

CITY COUNCIL PROCEEDINGS

JANUARY 10, 2006

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 10, 2006.
Tuesday, 9:07 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Gray, Martz, Schlapp, Skelton; present.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Diane Monger, Inter-faith Ministries, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the December 20, 2005 meeting were approved 7 to 0.

AWARDS AND PROCLAMATIONS

Proclamations:

60th Anniversary Year of Maude Carpenter Children's Home-Shelly Morrison.

Mayor Mayans read aloud the Proclamation.

Distinguished Service Citations.

Mayor Mayans acknowledge the following employees for their years of service with the City of Wichita and presented each of them with a plaque: Roger L. Johnson, Gary Olsen, Johnny L. Moore, Michael C. Malone and Louis R. Blackwell.

PUBLIC AGENDA

Dr. Carla Lee

Progress report on Piatt Memorial Park Project and announcement of groundbreaking for park monument-Dr. Carla A. Lee.

Dr. Lee stated that she is involved with the Piatt Park Memorial Project and that they are grateful for the support to their community service project. Stated that it has been nearly a year and the 41st anniversary, that the memorialization of the Piatt tragedy was proclaimed. Stated 30 people were killed on January 16, 1965 by the crash of a KC 135 tanker at Piatt and 20th Street. Stated that the groundbreaking is scheduled for Monday, January 16, 2006 at 10:00 a.m. in the Piatt Park, near the temporary monument sign, followed by a reception. Dr. Lee invited all of the Council Members to attend and reported that they have received \$10,000.00 in private donations and are requesting that the City match the \$10,000.00 private with an additional \$10,000.00 for construction of the monument. Stated that they have applied for a grant and are waiting for the results and are working with Congressman Tiahrt and will continue with public and private solicitations.

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CONSENT AGENDA

Motion--carried

Mayans moved that Consent items 2 through 23E, be approved as presented. Motion carried 7 to 0.

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 9, 2006.

Bids were opened December 23, 2005, and January 6, 2006, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

2005 Sanitary Sewer Reconstruction Phase 13, north of Harry, between Hillside & 143rd Street East. (468-84137/620449/665568) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III)

Wichita Excavation - \$86,425.00 (Corrected)

Lateral 11, Main 2, Cowskin Interceptor Sewer to serve Auburn Hills 16th Addition, (south of Maple, east of 151st Street West) (468-84089/744154/480842) Does not affect existing traffic. (District V)

Duling Construction - \$134,362.00

29th Street Water Line, Maize to 119th (448-89798/633761/633762/753850/753904) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Mies Construction - \$477,666.00

Lateral 5, Main 10 Four Mile Creek Sewer to serve Dillon's 12th Addition - north of 13th Street North, east of Greenwich. (468-84124/744161/480849) Does not affect existing traffic. (District II)

Nowak Construction - \$51,655.01

Storm Water Drain #236 to serve Fontana & Fontana 2nd Additions - north of 29th Street North, east of 119th Street West. (468-83883/751411/485302) Does not affect existing traffic. (District V)

Unruh Excavation - \$379,181.60

Water Distribution System to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (448-90095/735282/470953) Does not affect existing traffic. (District II)

Mies Construction - \$64,541.00

Water Line Connection to serve Legacy & Brighton Court Additions - south of 21st Street North, west of Webb (448-90131/635667/765720) Does not affect existing traffic. (District II)

Padgett Excavation \$17,055.00

Jardine Drive to serve 21st Street Kids & Family Empowerment Addition - north of 21st Street North, east of Hydraulic (472-84282/706930/205396) Does not affect existing traffic. (District I)

Kansas Paving Company - \$509,292.70

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

--carried

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PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Roof and Siding Replacement.

Brack Construction - \$19,450.00 (Group 1/total net bid))

WATER & SEWER DEPARTMENT/PRODUCTION & PUMPING DIVISION: Liquid Polyelectrolyte.

Nalco Company - \$0.62* (per pound)

*Price increase from \$0.52 per pound

Escalating/de-escalating Contract

WATER & SEWER DEPARTMENT/SEWAGE TREATMENT DIVISION: Polymer for use in the Wastewater Solids.

Chemtreat, Inc. - \$1.96* (Group 1/per pound)

*Price increase from \$1.67 per pound

Escalating/de-escalating Contract

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATION FOR LICENSES:

Renewal:

2006

Robert Floyd
Jessica Espinoza

Amour Gift Shop dba: Priscilla's
A Absolute 10

2606 S. Rock Road #100
2415 South Glendale

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

Renewal

2006

Consumption on Premises)

Kathleen Johnson

Godfather's Pizza, Inc.

2106 North Amidon

Renewal

2006

(Consumption off Premises)

Keith Dang
Robin E. Forbis
Lethanti T. Le
Saeed Mansouri
Jay A. Johnson
Kenny Nguyen

C&C Store
Wal-Mart Supercenter #1221
Broadway Supermarket
Jump Start Conoco
Johnson's General Stores, Inc. #06
PP Station

1131 East 47th Street South
6110 West Kellogg
1336 North Broadway
3805 West 21st Street
1003 South Seneca
2601 North Broadway

New Operator

2006

(Consumption on Premises)

Douglas R. Kupper
Douglas R. Kupper
Onesy Youthsavath

Arthur B. Nim Municipal Golf Course*
Tex Consolver Municipal Golf Course*
Buffet Delight, Inc.

2020 West Murdock
1931 South Tyler Road
3205 East 31st Street South

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New Operator 2006 (Consumption off Premises)

Kimberly Dinh KD Kwik Shop 10409 West Maple Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PRELIM ESTS.

PRELIMINARY ESTIMATES:

- a) Greenwich Road Improvement from 13th to 27th Street North. (87N-0369-01/472-84274/706929/205395) Traffic to be carried thru construction. (District II) - \$6,548,280.00
- b) Oliver Street Bridge over Gypsum Creek: Rehabilitate existing bridge and rebuild sidewalks on both sides. Install gabion wall on south side and riprap on north side of Gypsum Creek. (87N-0247-01/472-84184/715703/245119) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$1,084,474.00
- c) Lateral 314, Four Mile Creek Sewer to serve Equestrian Estates Addition - south of Harry, east of 127th St. East (468-83318/744155/480843) does not affect existing traffic. (District II) - \$225,000.00
- d) Parkdale from the south line of Lot 20, Block 1, to the south right-of-way line of 29th Street North; Parkdale Courts (4) to and including the cul-de-sacs; Sidewalk to be constructed on the east side of Parkdale to serve Evergreen 5th Addition - south of 29th Street North, west of Maize. (472-84103/765966/490081) Does not affect existing traffic. (District V) - \$417,600.00
- e) Fawn Grove, from the west line of Lot 65, Block 2, to the east line of Lot 30, Block 2; Smithmoor/ Smithmoor Circle from the south line of Fawn Grove at Sunset Lakes Addition to and including the cul-de-sac (Lots 30 through 47, Block 2); Chateau Circle, from the north line of Fawn Grove to and including the cul-de-sac (Lot 48 through 65, Block 2) to serve Fawn Grove at Sunset Lakes Addition - south of Kellogg, west of Greenwich. (472-84285/765965/490080) Does not affect existing traffic. (District II) - \$291,000.00
- f) Stafford, from the north line of Pawnee to the east property line of Lot 9, Block 6; Stoneybrook from the north line of Stafford to a point approximately 100 feet north; Stafford Court, from the north line of Stafford to and including the cul-de-sac (Lots 1 through 7, Block 7); Stafford Court, from the east line of Stafford to and including the cul-de-sac (Lots 13 through 24, Block 6) to serve Brentwood South Addition to serve Brentwood South Addition - east of Webb, north of Pawnee. (472-84270/765957/490070) Does not affect existing traffic. (District II) - \$326,000.00
- g) Asphalt Mat Paving Improvements on 37th Street North from Maize Road to a point 1,300 feet west of Maize Road to serve Prairie Pointe Addition - along 37th Street North, west of Maize. (472-84044/ 765959/490073) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$108,000.00
- h) 2005 Contract Maintenance Concrete Repairs Drainage Hotspots, Phase 2 - north of MacArthur, west of 119th Street West. (472-84330/131532/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, III, IV, VI) - \$162,709.30

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- i) 2006 Utility Cut Repair of Streets, Driveways and Sidewalks - north of 71st Street South, east of 167th Street West. (472-84340/132035/620447/_/665567) Traffic to be maintained during construction using flagpersons and barricades. (Districts I, II, III, IV, V, VI) - \$1,718,000.00
- j) The cost of construction of Water Distribution System to serve Regency Park Third Addition, south of 29th Street
- k) North, west of Greenwich. (District II) 448-90089/735265/470-936-Total estimated cost \$25,900.00.

Motion--carried

Mayans moved that the file be received. Motion carried 7 to 0.

PETITIONS FOR PUBLIC IMPROVEMENTS:

HIGHLAND SPNGS

CONSTRUCT A SANITARY SEWER IN HIGHLAND SPRINGS THIRD ADDITION, SOUTH OF CENTRAL, WEST OF 135TH STREET WEST. (DISTRICT V)

Agenda Report No. 06-0001

On May 20, 2003, the City Council approved a Petition to construct a sanitary sewer in Highland Springs 3rd Addition. The developer has submitted a new Petition that modifies the improvement district and adds a main benefit fee to the project budget. The signature on the new Petition represents 100% of the improvement district.

The project will serve a new residential development located south of Central, west of 135th St. West.

The existing Petition totals \$179,000. The new Petition totals \$196,204. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-002

Resolution of findings of advisability and Resolution authorizing improving of Lateral 39 Cowskin Interceptor Sewer, (west of 135th Street West, south of Central) 468-83636, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

FALCON FALLS

CONSTRUCT A STORM WATER DRAIN FOR FALCON FALLS SECOND, THIRD AND COMMERCIAL ADDITIONS, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 06-0002

On August 16, 2005, the City Council approved a Petition to construct a storm water drain for Falcon Falls 2nd Addition and two unplatted tracts. The developer has submitted a new Petition to update the improvement district to reflect recent platting activity. The signature on the new Petition represents 100% of the improvement district.

The project will serve new residential and commercial developments located north of 45th St. North, west of Hillside.

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The project budget is unchanged.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Motion--
--carried

Mayans moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-003

Resolution of findings of advisability and Resolution authorizing improving Storm Water Drain No. 275 (north of 45th Street North, west of Hillside) 468-84067, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

KRUG NORTH ADD. CONSTRUCT PAVING AND WATER IMPROVEMENTS IN KRUG NORTH SECOND ADDITION, NORTH OF 21ST STREET, WEST OF 143RD STREET EAST. (DISTRICT II)

Agenda Report No. 06-0003

On August 2, 2005, the City Council approved paving and water petitions for Krug North 2nd Addition. The developer has submitted new petitions that modify the projects for marketing purposes. The new Petitions have been signed by one owner representing 100% of the improvement districts.

The projects will provide paving and water improvements within a residential development located north of 21st, west of 143rd St. East.

The original Petitions total \$1,167,000. The new Petitions total \$1,269,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-004

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90095 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-005

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90096 (north of 21st Street, west of 143rd Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-006

Resolution of findings of advisability and Resolution authorizing constructing pavement on Castle Rock and 24th Street North from the north line of Lot 30, Block A, to the east Line of Lot 18, Block A; on Spring Hollow Street from the west line of Castle Rock, north to the south line of Mainsgate; on Mainsgate and Mainsgate Circle from 24th Ct. North, from the south line of 24th Street North, south to and including the cul-de-sac and that sidewalk be constructed along one side of Castle Rock, Mainsgate, 24th Street North, and Spring Hollow Street (north of 21st west of 143rd Street East) 472-84249, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-007

Resolution of findings of advisability and Resolution authorizing constructing pavement on 24th Street North from the east line of Lot 18, Block A, east to the east line of the Plat; and on Quincy Cir. from the north line of 24th Street North, north to and including the cul-de-sac and on North Springdale Cir. from the north line of 24th Street North, north to and including the cul-de-sac; and on North Springdale Cir. From the south line of 24th Street North, south to and including the cul-de-sac and that sidewalk be constructed alone one side of 24th Street North (north of 21st, west of 143rd Street East) 472-84250, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans

PEARSONS FARM

CONSTRUCT SANITARY SEWER AND WATER IMPROVEMENTS IN PEARSON FARMS THIRD ADDITION, SOUTH OF 21ST STREET, WEST OF MAIZE. (DISTRICT V)

Agenda Report No. 06-0004

The Petitions have been signed by two owners representing 100% of the improvement districts.

The projects will provide sanitary sewer and water improvements within a commercial development located south of 21st, west of Maize.

The Petitions totals \$37,000. The funding source is special assessments.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-025

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No.448-90159 (south of 21st, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-026

Resolution of findings of advisability and Resolution authorizing construction of Lateral 510, Southwest Interceptor Sewer (south of 21st, west of Maize) 468-84138, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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COUNTY HOLLOW

CONSTRUCT PAVING, SANITARY SEWER AND WATER IMPROVEMENTS IN COUNTRY HOLLOW ADDITION, SOUTH OF KELLOGG, EAST OF 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0005

The Petitions have been signed by one owner representing 100% of the improvement districts.

The projects will provide paving, sanitary sewer and water improvements within a residential development located south of Kellogg, east of 127th St. East.

The Petitions total \$1,871,000. The funding source is special assessments except for the water projects, which include \$33,500 paid by the Water Utility for oversizing the lines to serve future development outside the improvement districts.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or by owners of the majority of property in the improvement district.

Motion--
--carried

Mayans moved that the Petitions be approved; the Resolutions adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-008

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90154 (south of Kellogg, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-009

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90155 (south of Kellogg, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-010

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90156 (south of Kellogg, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-011

Resolution of findings of advisability and Resolution authorizing construction of Lateral 387, Four Mile Creek Sewer (south of Kellogg, east of 127th Street East) 468-84103, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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RESOLUTION NO. 06-012

Resolution of findings of advisability and Resolution authorizing construction of Lateral 389, Four Mile Creek Sewer (south of Kellogg, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-013

Resolution of findings of advisability and Resolution authorizing constructing pavement on Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 (south of Kellogg, east of 127th Street East) 472-84350, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-014

Resolution of findings of advisability and Resolution authorizing constructing pavement on Gilbert from the east line of 127th Street East to the east line of Lot 1, Block 4 (south of Kellogg, east of 127th Street East) 472-84351, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-015

Resolution of findings of advisability and resolution authorizing constructing Gilbert court serving Lots 20 through 28, Block 4 from the south line of Gilbert to and including the cul-de-sac; paving Glen Wood from the south line of Gilbert to the south line of Lot 16, Block 4; paving Watson from the east line of Glen Wood to the west line of Gateway; and paving Gateway/Watson from the south line of Gilbert to the east line of Lot 5, Block 7 (south of Kellogg, east of 128th Street East) 472-84352, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas.

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

Agenda Report No. 06-0054

Conspec, Inc. d/b/a Kansas Paving has contracted to construct an asphalt mat on 37th Street North from Maize Road to a point 1300 feet west of Maize Road. Work is scheduled to begin January 6, 2006 and will initially consist of the installation of the storm water sewer system. Upon completion of the storm water sewer, construction of the asphalt mat surface will require the excavation of the existing gravel road to allow the installation of the reinforced crushed rock base, followed by the asphalt base and surface lifts. To minimize traffic safety concerns and maximize output during construction conducive weather, it is recommended that 37th Street North be closed for a period of nine days. The requested street closure is dependent upon satisfactory weather conditions and is tentatively scheduled to begin approximately 9:00 a.m. Wednesday, January 11, 2006 and be completed on or before 5:00 p.m. Thursday, January 19, 2006.

Conspec, Inc. d/b/a Kansas Paving is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During the street closure, 37th St. North traffic will be detoured as follows:

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Eastbound 37th St. N. traffic will be detoured south from 37th St. N. on 119th St. W. to 29th St. N., east to Maize Rd., and then north to 37th St. N. Westbound 37th St. N. traffic will be detoured south from 37th St. N. on Maize Rd. to 29th St. N., west to 119th St. W., and then north to 37th St. N.

Motion--carried

Mayans moved that the street closure be approved. Motion carried 7 to 0.

AGREEMENTS/CONTRACTS:

CHISHOLM CREEK

AGREEMENT WITH CHISHOLM CREEK CONDOMINIUMS HOA FOR WAIVER OF PENALTIES AND INTEREST ON UNPAID SPECIAL ASSESSMENTS.

Agenda Report No. 06-0006

A clerical mistake at the County resulted in several years of special assessments against common areas in the Chisholm Creek Condominiums development going unpaid by the Chisholm Creek Condominiums HOA. There is currently \$8,612.26 owing as special assessments against the HOA's property. Interest and penalties total \$14,891.23.

The HOA has asked that the City waive the penalties and interest and permit the HOA to make the past due payments in installments over the next 5 years. An agreement has been prepared which would accomplish this.

The penalties and interest collected by the County on these special assessments are retained by the County and don't get paid over to the City. The cost to the City of agreeing to this arrangement is the delay in the payment of the principal and interest on the bonds issued to finance the improvements for which these assessments were levied. This cost is minimal.

The Law Department has prepared and approved as to form an agreement to accomplish the arrangement explained above.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

IVR SYSTEM

MUNICIPAL COURT INTERACTIVE VOICE RESPONSE (IVR) SYSTEM

Agenda Report No. 06-0007

On May 18, 2004, Agenda Report No. 04-0519 was presented to and approved by the City Council to select Frank Solutions Company (now entitled First Data Government Solutions, Inc.) for the Municipal Court's Interactive Voice Response (IVR) System. Interactive Voice Response systems are a technology that allows callers to interact with information systems via the telephone. Many organizations and citizens utilize IVR systems on a daily basis to perform functions vital to their business. IVR systems are available 7 days a week, 24 hours a day improving customer service capabilities of the organization. A Court IVR system will enable citizens to determine the amount of traffic and parking fines due and to pay the fine over the telephone, and, with the implementation of the IVR system, payments by telephone will be simultaneously recorded in the public safety system without the intervention of a customer service clerk. Additionally, the system will enable citizens to gain general information about the Court, allow attorneys to enter their appearance on a court case and to schedule a court hearing. The system will also be used to call citizens to remind them of probation reporting and court dates and of outstanding warrants.

Implementation of the Interactive Voice Response System has been delayed due to implementation of upgrades to the public safety system and contractual negotiations

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On April 2, 2004, the IT/IS Advisory Board considered and approved the Municipal Court project and recommended its approval by the City Council. With an IVR system the Court will increase information availability from 8 – 5 Monday through Friday to 24 hours a day, 7 days a week, significantly reduce a high call abandonment rate, and improve customer service capabilities of the Court.

In 2004, the total expenditure for these services was presented and approved by Council with a “not to exceed \$256,000” clause. However, due to the complexity of writing the a program by the Public Safety System vendor to interact with the IVR system, the cost has increased to provide these services but will not exceed \$286,700; one hundred thirty four thousand four hundred thirteen dollars (\$134,413) to contract with First Data Government Solutions, Inc., and the remaining funds (\$152,274) to be paid to Northrop Grumman Company to write a program that will interact with the Interactive Voice Response System. The purchase of the IVR project will be made according to the Purchasing Ordinance 38-122(g), relating to high technology items. The sources of these funds are the Municipal Court Project account, and the ongoing estimated annual maintenance expenses of \$23,000 are in the Municipal Court budget.

The Law Department has reviewed and approved the contracts as to form.

Motion--
--carried

Mayans moved that the revised expenditure costs be approved; the necessary fund transfers approved and the necessary signatures authorized. Motion carried 7 to 0.

HARDLINES

CONTRACT WITH HARDLINES DESIGN COMPANY FOR HISTORIC DUNBAR THEATER REUSE FEASIBILITY/IMPLEMENTATION PLAN. (DISTRICT I)

Agenda Report No 06-0008

On December 13, 2005, the City Council approved the selection of Hardlines Design Company for services in preparing the Historic Dunbar Theater Reuse Feasibility / Implementation Plan and authorized staff to negotiate a not-to-exceed contract of \$35,000 to perform the work.

A contract for professional services has been negotiated with Hardlines Design Company in the amount of \$35,000 to perform all services required to prepare the Historic Dunbar Theater Reuse Feasibility / Implementation Plan.

Funding for this project has been identified in the recently approved 2005-2014 Capital Improvement Program. Council has already approved a home rule-bonding ordinance for this project.

The contract has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the contract with Hardlines Design Company be approved and the necessary signatures authorized. Motion carried 7 to 0.

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SANITARY SEWER NORTH AREA SANITARY SEWER-SUPPLEMENTAL AGREEMENT. (DISTRICT VI)

Agenda Report No. 06-0009

On September 14, 2004, the City Council approved a Contract with MKEC Engineering Consultants, Inc. to provide engineering and design services for the North Area Sanitary Sewer. The North Area Sanitary Sewer will serve an area bound by West Street, the Little Arkansas River on the east, one-half mile north of 61st Street North, and approximately one-fourth mile south of 53rd Street North.

MKEC initially proposed a single sewer pump station to be designed and constructed at, or near, the Moorings housing development lift station near Meridian and Driftwood. This location would have allowed a temporary connection to the Moorings force main from the new sewer pump station.

Negotiations with property owners for obtaining a site for the pump station began early in 2005. Due to the uncertainty of plans for future development near the pump station, Staff instructed MKEC to revise their design plans to accommodate owners' concerns of sharing land with a sewer pump station. After several attempts to acquire land to construct the North Area Sewer, Staff renegotiated with a landowner to relocate the sewer pump station near Meridian and 51st Street North. The location of the new site is compatible for future connections into the proposed North Sewage Treatment Plant site, approved by the City Council on April 19, 2005.

MKEC attended meetings with Staff to amend the project and meet the needs of the property owners. On November 15, 2005, following a final attempt to purchase land for the pump station, City Council approved purchasing a site by condemnation, if necessary. A site has since been purchased without having to condemn land and is scheduled to close January 10, 2006.

The relocated sewer pump station design mandates that changes be made to the design of the North Area Sewer. A gravity sewer pipe was designed from the existing pump station north along Meridian to the new proposed location. In addition, a sewer force main was designed south along Meridian to tie into the existing sewer force main at the existing pump station. The final design for the acquired site is included in the amended scope of work.

The amended Contract will include the following:

1. Revise design concept and interceptor system to include a larger service area.
2. Revise pump station design to suitably fit the residential/commercial setting.
3. Revise design to accommodate new pump station location in the vicinity of 51st Street with changes to the interceptor system plans to collect wastewater to the new site and to connect the new force main to the existing force main pipe approximately 4,300 feet south of the new site.
4. Provide support for meetings and property acquisition.

The cost for the amended scope of services will not exceed \$158,226 for the design services. Funding is available in North Area Sanitary Sewer, a subproject of CIP S-5.

The Law Department has reviewed and approved the Supplemental Agreement as to form.

Motion--
--carried

Mayans moved that the Supplemental Agreement with MKEC Engineering Consultants, Inc. be approved and the necessary signatures authorized. Motion carried 7 to 0.

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GREENWICH RD.

GREENWICH ROAD, BETWEEN 13TH AND K-96 FREEWAY-SUPPLEMENTAL. (DISTRICT II)

Agenda Report No. 06-0010

On May 4, 2004, the City entered into an Agreement with Professional Engineering Consultants, P.A. (PEC) for designing improvements to Greenwich Road from the 13th Street North to the north ramp of K-96. The fee was \$292,800.

The northern limit of the project has been extended north to 27th St. North. A supplemental agreement has been prepared to authorize payment of the additional design work.

Payment to PEC for the Supplemental Agreement will be made on a lump sum basis of \$50,000 and will be paid by General Obligations Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

13TH/BROADWAY

INTERSECTION OF 13TH AND BROADWAY-SUPPLEMENTAL. (DISTRICT VI)

Agenda Report No. 06-0011

On January 5, 1999, the City entered into an Agreement with Ruggles & Bohm, P.A. (R&B) for designing improvements to the intersection of 13th & Broadway. The fee was \$38,400. The Kansas Department of Transportation agreed to participate in the project funding, so R&B was asked to convert the plans in KDOT format in order to conform to KDOT standards. As a result of meetings with affected property owners, the Broadway alignment will be shifted to reduce the impact on adjacent businesses. A supplemental agreement is necessary to redesign the project accordingly.

A supplemental agreement has been prepared to authorize the additional design work.

Payment to R&B for the Supplemental Agreement will be made on a lump sum basis of \$24,730, and will be paid by General Obligations Bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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DESIGN SERVICES AGREEMENTS

AUBURN HILLS

AUBURN HILLS 16TH ADDITION, SOUTH OF MAPLE, EAST OF 151ST STREET WEST. (DISTRICT V)

Agenda Report No. 06-0012

The City Council approved the water distribution system and sanitary sewer improvements in Auburn Hills 16th Addition on November 1, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond financed improvements consisting of water distribution system and sanitary sewer in Auburn Hills 16th Addition. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$28,500 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

FALCON FALLS

FALCON FALLS SECOND AND THIRD ADDITION, FALCON FALLS COMMERCIAL ADDITION, NORTH OF 45TH STREET NORTH, WEST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 06-0013

The City Council approved the water distribution system, storm drainage and paving improvements in Falcon Falls 2nd & 3rd, Falcon Falls Commercial Additions on August 16, 2005.

The proposed Agreement between the City and Baughman Company, P.A. provides for the design of bond-financed improvements consisting of water distribution system, storm drainage and paving in Falcon Falls 2nd & 3rd, Falcon Falls Commercial Additions. Per Administrative Regulation 7a, staff recommends that Baughman be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to Baughman will be on a lump sum basis of \$94,700 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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FONTANA ADD.

FONTANA AND FONTANA SECOND ADDITIONS, EAST OF 119TH STREET WEST, NORTH OF 29TH STREET NORTH. (DISTRICT V)

Agenda Report No. 06-0014

The City Council approved the water distribution system, sanitary sewer and drainage improvements in Fontana & Fontana 2nd Additions on November 22, 2005.

The proposed Agreement between the City and Professional Engineering Consultants, P.A. (PEC) provides for the design of bond-financed improvements consisting of water distribution system, sanitary sewer and drainage in Fontana & Fontana 2nd Additions. Per Administrative Regulation 7a, staff recommends that PEC be hired for this work, as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment to PEC will be on a lump sum basis of \$92,000 and will be paid by special assessments.

The Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

RIVER CORRIDOR

SUPPLEMENTAL DESIGN AGREEMENT FOR RIVER CORRIDOR IMPROVEMENT. (DISTRICT VI)

Agenda Report No. 06-0015

On June 8, 1999, the City Council approved an agreement with Law/Kingdon, Inc. to design River Corridor improvements. The improvement area includes the east bank of the confluence of the Arkansas Rivers, north of the Westar Electrical Substation. On December 13, 2005, the City Council approved a memorandum of understanding with the Kansas African American Museum to develop a new museum site within the east bank improvement area. As a result, it will be necessary to modify the corridor improvement construction plans. A supplemental agreement with Law/Kingdon, Inc. has been prepared to authorize the additional design work.

The additional work includes the redesign of paths, plazas, stairs, retaining walls and a drainage study associated with future parking lots.

Payment to Law/Kingdom, Inc. will be on a lump sum basis of \$161,750. Funding is available within the existing River Corridor Improvement budget. The funding source is General Obligation bonds.

The Supplemental Agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

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CHANGE ORDER

CHANGE ORDER-HYDRAULIC IMPROVEMENT, 57TH STREET SOUTH TO 47TH STREET SOUTH. (DISTRICT III)

Agenda Report No. 06-0016

On June 8, 2004, the City Council approved a construction contract with Cornejo & Sons, Inc. to improve Hydraulic, between 57th St. South and 47th St. South. After the contract was awarded, it was determined that additional sidewalk was needed to comply with the Americans With Disabilities Act. The Change Order also makes quantity adjustments for final measured quantities.

A Change Order has been prepared for the additional work. Funding is available within the project budget.

The cost of the additional work is \$12,519, with the total paid by a combination of City-at-Large (\$2,504) and Federal Grants administered by the Kansas Department of Transportation (\$10,015). The original contract amount is \$3,644,321. This Change Order plus previous Change Orders represents .83% of the original contract amount.

The Law Department has approved the Change Order as to legal form. The Change Order amount is within the 25% of construction contract cost limit set by City Council policy.

Motion--
--carried

Mayans moved that the Change Order be approved and the necessary signatures authorized. Motion carried 7 to 0.

CONTS/AGRMNTS

CONTRACTS AND AGREEMENTS FOR DECEMBER 2005.

Motion--carried

Mayans moved that the file be received and filed. Motion carried 7 to 0.

PROPERTY ACQUISITIONS:

SEWER PROJ.

UTILITY EASEMENT FOR THE NORTH AREA SEWER PROJECT. (DISTRICT V)

Agenda Report No. 06-0016A.

On October 21, 2003, the City Council approved the construction of force mains; pump stations, and gravity-flow sewer lines to serve northwest Wichita. The project requires the acquisition of easements on several tracts of land. Five easements remain to be acquired. One of the required easements is across the front of the single-family residence at 1155 North 135th Street West.

The project requires the acquisition of a twenty-foot permanent easement and a ten-foot temporary easement across the east part of the property. The construction will require the removal of a shelterbelt of trees on the south end of the property and the removal of several mature cedar trees on the north end. The easements and trees were valued at \$35,000. This amount was offered to the property owner and accepted.

A budget of \$36,000 is requested for the acquisition. This amount includes \$35,000 for the acquisition and \$1,000 for closing costs and title insurance. The funding source is the sewer utility.

Considerations: The Law Department has approved the contact as to form.

Motion--
--carried

Mayans moved that the budget and the Real Estate Purchase Contract be approved and the necessary signatures authorized. Motion carried 7 to 0.

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777 W. CENTRAL

EASEMENT ACROSS A PORTION OF 777 WEST CENTRAL IN CONJUNCTION WITH THE RIVER CORRIDOR IMPROVEMENT PROJECT. (DISTRICT VI)

Agenda Report No. No. 06-0017

The City of Wichita acquired a portion of 777 West Central for the River Corridor Improvement Project in 2004. The plan calls for the construction of pedestrian bridges linking Exploration Place, the Keeper of the Plains, and the north bank of the Little Arkansas. The riverbank and associated paths will be upgraded and beautified. Also, the Keeper of the Plains statue will be raised and a natural gas-powered pyrotechnic display will be constructed.

In order to supply natural gas to the Keeper of the Plains improvements, a gas line must be constructed from the existing gas line along Central Avenue across the City-owned tract and under the Little Arkansas River to the Keeper site. To accomplish this, an easement must be granted to the gas utility company to allow placement of the line.

There is no cost to the City.

The Law Department has approved the easement as to form.

Motion--
--carried

Mayans moved that the easement be approved and the necessary signatures authorized. Motion carried 7 to 0.

ASSESSMENT PROG. SIDEWALK REPAIR AND SIDEWALK CLEANING ASSESSMENT PROGRAM. (DISTRICTS I, II, III, IV, V)

Agenda Report No. 06-0018

State Law and City Policy provide that sidewalk maintenance is the responsibility of abutting property owners. When sidewalk trip hazards are identified, property owners are required to make repairs, either with their contractor or with the City's contractor, or clean the sidewalk if needed. Property owners who use the City's contractor have the opportunity to spread the cost over five years as a special assessment.

Ordinances have been prepared to establish authority to use special assessment funding for the current list of repaired and cleaned sidewalks.

Statements of Charges will be mailed to the property owners on January 27, 2006. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the February 2006 bond sale. The principal and interest will then be spread over 5-years and placed on the 2006 tax roll.

These assessments are in accordance with City Code 12.18. The Ordinances have been approved as to form by the Department of Law.

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Motion--
--carried

Mayans moved that the proposed Assessments be approved and the Ordinances placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks repair in the City of Wichita, Kansas, introduced and under the plans laid over.

ORDINANCE

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of sidewalk cleaning in the City of Wichita, Kansas, introduced and under the plans laid over.

VISITORS BUREAU

INTERIM FUNDING FOR CONVENTION AND VISITORS BUREAU.

Agenda Report No. 06-0019

Every year, the Greater Wichita Convention & Visitors Bureau works with City of Wichita staff to negotiate a new contract. While their allotment is approved as part of the process in the year prior's adopted budget, there is still discussion on what the year's goals will be and how the organization will accomplish them.

Last year, the proposed 2005 contract focused on renewing marketing efforts for the organization with more focus on priority projects contained in the Strategic Master Plan for Tourism. Some of the important CVB goals for that year included: increase of convention and motor coach tour room nights; expanded hotel, attraction and activity with marketing and promotions; enhanced website capabilities, and increased efforts to secure private and other funding sources.

Staff of both organizations is currently strategizing on new goals for 2006 that matches the GWCVB's growth pattern to succeed as an organization. The final goals have not yet been finalized but efforts are on going and will be ready by in February for presentation to City Council as New Business. Therefore, staff is requesting that the City of Wichita provide a portion of the contract funding to serve as January's working cash flow for the organization until the contract is finalized.

The amount requested is 1/12 of the total amount of the planned allocation as approved in the 2006-2007 Adopted Budget. This amount will be \$145,861 and is in the C&T Fund.

There are no legal considerations.

Motion--
--carried

Mayans moved that the allocation from the C & T Fund be approved and the necessary signatures authorized. Motion carried 7 to 0.

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EQUUS BEDS

EQUUS BEDS AQUIFER STORAGE AND RECOVERY PROJECT. (DISTRICT I)

Agenda Report No. No. 06-0020

On January 8, 2002, the City Council approved a Contract with Burns & McDonnell Engineering Co. to provide engineering and design services for Phase I of the Equus Beds Aquifer Storage and Recovery Project. Phase I of the project was to design seven (7) diversion wells and six (6) recharge facilities with a capacity of 10 million gallons per day (MGD). November 1, 2005, City Council approved the construction of a 7 MGD surface water treatment plant for Phase I of the Aquifer Storage and Recovery Project (ASR). The project was approved as a design/build and City Council authorized the Staff Screening and Selection Committee to seek proposals.

It has been determined the only way to capture up to 10 MGD at the site available for Phase I is to utilize direct surface water diversion from the river. Using direct surface water diversion will require a water treatment plant, prior to recharging the aquifer with the water. Based on results of pump tests, a 5-to-7 MGD surface water diversion and treatment plant is needed. The goal is to have the facilities of Phase I completed and operational by the fall of 2006, thus available to capture water after runoff events which generally occur during the fall. Design/build methodology is the only way to accomplish having the surface water treatment facilities operational by fall 2006.

The Purchasing Manager solicited responses to a Request for Qualifications for a Qualifications-Based Selection of a design/build team. Responses were received from three teams: Burns & McDonnell/Dondlinger Construction; CAS Construction/CDM Engineering; and Utility Contractors/Earthtech Engineering. Based on the team responses and interviews conducted December 21, 2005, the Staff Screening and Selection Committee unanimously recommended CAS Construction/CDM Engineering.

The City's Qualifications-Based Selection policy requires the Contract to be executed in two parts. First --- a Contract for completion of a 30-percent design for the facilities and after the 30-percent design has been completed; the team will develop the Guaranteed Maximum Price (GMP). If Staff concurs that the GMP represents a fair and reasonable value, the final Contract for completion will be negotiated. If it is determined that the submitted GMP is unacceptable, and an appropriate GMP cannot be negotiated, the City will seek an alternate team.

Based on information currently available, the project will not exceed \$14,800,000. To expedite the project, Staff recommends that upon completion of the 30-percent design and concurrence on the GMP, Staff be authorized to negotiate the final Contract with the Contract being authorized if under \$14,800,000.

Cost for the 30-percent design will be \$590,000 and will be included in the Guaranteed Maximum Price. Funding for this project is available in CIP W-549, Water Supply Plan, which has \$23.5 million available for facilities included in Phase I of this project.

The Law Department has reviewed and approved the Contract as to form for the completion of the 30-percent design, and will approve the final Contract and GMP as to form.

Motion--

Mayans moved that the initial Contract with the CAS Construction/CDM team to complete a 30-percent design of the 7 MGD Surface Water Treatment Plant be approved; Staff authorized to negotiate a final Contract and Guaranteed Maximum Price for the project not to exceed \$14,800,000; and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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LINCOLN PARK

LINCOLN PARK IMPROVEMENTS. (DISTRICT I)

Agenda Report No. 06-0021

In 1999 a conceptual master plan was developed in response to the needs and request of neighborhood wanting to restore and redevelop Lincoln Park. The master plan proposed to remove the existing inoperable swimming pool and replace it with an interactive water feature reflecting the need to preserve and restore the historical nature of the existing bathhouse. The master plan included the removal of the existing tennis courts, addition of a gazebo shade shelter, and the development of additional open space. The master plan also took into account the possible expansion of the existing historical fire station museum located in the northwest corner of the site.

In the spring of 2001, the City's Park and Recreation Department developed and opened the city's first interactive water feature within Lincoln Park. The existing inoperable swimming pool was removed and replaced with the new water feature, the bathhouse was renovated with new bathrooms, and new lighting, landscaping and benches were installed as part of these improvements. In 2002, a new landscape irrigation system was installed. In 2004, an existing tennis court was removed and restored to valuable open space. Earlier this year, the city completed the installation of new ADA compliant rubberized surfacing for the existing playground.

Lincoln Park is a popular destination for many local residents in this area. The design and construction of a gazebo type structure would complete the original vision of the 1999 conceptual master plan. The South Central Neighborhood Revitalization Plan, currently under development, identifies Lincoln Park as a vital component to the plan and the gazebo structure would complete the park development. This structure could be used for neighborhood picnics, small band concerts, and holiday events such as 4th of July Celebrations. This plan also reinforces the "Vioneering Plan" to improve the quality of life in our city's neighborhoods.

The Park Capital Improvement Plan includes \$110,000 in 2005 for improvements to Lincoln Park. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; the initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-016

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for design and construction of a Gazebo in Lincoln Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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KEY/LOCK SYSTEM CENTURY II KEY AND LOCK SYSTEM. (DISTRICT I)

Agenda Report No. 06-0022

The Park and Recreation Department's operation at Century II Performing Arts and Convention Center has begun the process of replacing the existing lock system, which is currently comprised of three different systems. Approximately 33% of the project is complete at this time. The remainder of the project completes the replacement of the old systems and expands the access control system to include padlocked areas, and maintenance vehicles.

The 2005 Park Capital Improvement Program (CIP) includes funding for Century II Key and Lock Systems. This system will protect the City's investment in these facilities, by increasing the control that the staff has on access control to the facility. This will make the facility safer for the general public, and assist in loss prevention activities.

The 2005 Century II Key and Lock System CIP include \$75,000 for the completion of the lock system replacement. The funding source is general obligation bonds. The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-017

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the labor, material, and equipment for the removal of the Old Century II Key and Lock System, replacing it with the New Electronic Access Control System, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

STAGE EQUIP. CENTURY II STAGE EQUIPMENT RENOVATION/REPLACEMENT. (DISTRICT I)

Agenda Report No. 06-0023

The Park and Recreation Department's operation at Century II Performing Arts and Convention Center has equipment that is aging and in need of renovation or replacement. This project is the beginning process of achieving significant improvements in all of the performance spaces within Century II, and Bob Brown Expo Hall.

The 2005 Park Capital Improvement Program (CIP) includes funding for the renovation of Century II. Renovation will protect the City's investment in these facilities, by updating the facility to current code standards and making Century II and Bob Brown Expo Hall functional and aesthetically attractive to potential promoters and local clientele. Plans call for improvements in Mary Jane Teall's Lighting System, Concert Hall's Counter-weight Fly System, Meeting Room Sound Systems, and Portable sound equipment.

The 2005 Century II Stage Equipment Renovation CIP includes \$50,000 for the renovation/replacement of Stage Equipment. The funding source is general obligation bonds.

The Law Department has approved the bonding resolution as to form.

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Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-018

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for the improvements in Mary Jane Teall Theater's Lighting System and Century II Concert Hall's Counter-Weight Fly System, Meeting Room Sound Systems, and Portable Sound Equipment, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

PLANEVIEW PARK PLANEVIEW PARK IMPROVEMENTS. (DISTRICT III)

Agenda Report No. 06-0024

Planeview Park has been serving citizens since the original parcel was acquired in 1955. Planeview Park has to 105.59 acres in size from additional acquisitions made possible through USD 259.

Planeview park is located in south Wichita and includes many recreational amenities, such as playground equipment, lighted baseball and softball diamonds, a basketball court, lighted tennis courts, soccer fields, a cricket field, and 2 unlighted football fields. There are several paved parking lots within the park, but the football field parking lot is unpaved.

The City Council authorized \$124,913 in Community Development Block Grant (CDBG) funding for parking lot improvements within Planeview Park for 2006.

Additional football fields and parking lot are needed to meet the challenges of a growing Jr. Football program. The existing football fields do not meet current design standards.. Design and construction plans are needed to renovate existing fields and design and construction plans for an additional field to make the football complex in this park more attractive and functional.

The Park Capital Improvement Plan includes \$50,000 for design services in 2005 and \$450,000 for construction in 2006. The funding source is general obligation bonds.

The Law Department has approved the bonding resolutions as to form.

Motion--
--carried

Mayans moved that the bonding resolutions be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-019

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for design and construction of Football Fields and Parking Lots in Planeview Park, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans.

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PRAIRIE VILLA

EXTENSION OF LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS, PRAIRIE VILLA AT BEACON HILL, L.C. (DISTRICT I)

Agenda Report No. 06-0025

On February 8, 2005, the City Council approved a one-year Letter of Intent to issue Industrial Revenue Bonds in an amount not-to-exceed \$4,700,000 to Prairie Villa at Beacon Hill, L.C. The proceeds of the proposed bonds will be used to finance the cost of acquiring, constructing and equipping a senior apartment facility to be located at 2395 North Beacon Hill Street in northeast Wichita. Prairie Villa at Beacon Hill is requesting an extension of six-months of the Letter of Intent until August 15, 2006.

The original Letter of Intent will expire on February 15, 2006. The Company is requesting an extension of the Letter of Intent in order to allow time to schedule the request for the issuance of Bonds, which will be in February 2006, and to finalize the IRB Bond documents. The Letter of Intent extension is being requested until August 15, 2006.

There is no financial impact on the City resulting from the requested extension.

Bond documents required for the issuance of bonds will be prepared by bond counsel. The City Attorney's office will review and approve the form of bond documents prior to the issuance of any bonds.

Motion--

Mayans moved that the extension of the Letter of Intent to Prairie Villa at Beacon Hill, L.C. for Industrial Revenue Bonds in an amount not-to-exceed \$4,700,000 for a period ending August 15, 2006 be approved. Motion carried 7 to 0.

--carried

SPORTS COMPLEX

NORTHEAST SPORTS COMPLEX. (DISTRICT II)

Agenda Report No. 06-0026

On November 5, 1996 the City Council approved an agreement with Regency Lakes II, LLC, in conjunction with the Wichita Strykers Charitable trust, to develop a 12-field soccer complex near K-96 and Greenwich Road. Under the agreement, the City approved a donation of land for the fields and agreed to work in cooperation with the Stryker Charitable Trust to create a high quality public soccer complex for the benefit of children and adults in Wichita. The City accepted the donation of land and improvements on December 22, 1998. In early 2004, as a result of findings from the Alternative Revenue Task Force and direction from the City Council, staff began negotiations for a lease agreement with the Clydesdale Soccer Foundation regarding the assumption of maintenance duties at the Stryker Soccer Complex in exchange for the City foregoing the customary user fees. The lease agreement was approved by the City Council on April 5, 2005. The complex does not currently meet code for minimum parking requirements and a short-term variance was granted by OCI.

Additional parking will help facilitate the additional vehicle traffic based on the expected expansion of teams, tournaments, and league play. The usage of the complex has increased and the need exists for additional parking. The 2005 Park CIP includes funding for the construction of additional parking spaces to better serve the participants and citizens who use the Stryker Soccer Complex.

The 2005 Park CIP includes \$300,000 for the construction of additional parking at the Stryker Soccer Complex. The funding source is general obligation bonds.

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The Law Department has approved the bonding resolution as to form.

Motion--
--carried

Mayans moved that the bonding resolution be adopted; initiation of the project authorized and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-020

A Resolution authorizing the issuance of Bonds by the City of Wichita at large for design and construction of additional parking at the Stryker Soccer Complex, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

UNSAFE STRUC.

REPAIR OR REMOVAL OF DANGEROUS AND UNSAFE STRUCTURE. (DISTRICT I)

Agenda Report No. 06-0028

On December 5, 2005 the Board of Code Standards and Appeals (BCSA) held a hearing on the following property. This property is considered a dangerous and unsafe structure, and is being presented to schedule a condemnation hearing before the Governing Body.

Improvement notices have been issued on this structure, however, compliance has not been achieved. A pre-condemnation and formal condemnation letter was issued and the time granted has expired. No action has been taken to repair or remove this property.

Property Address

a. 1155 N. Spruce

Council District

I

This structure has defects that under Ordinance No. 28-251 of the Code of the City of Wichita shall cause it to be deemed as a dangerous and unsafe building, as required by State Statute for condemnation consideration.

Motion--
--carried

Mayans moved that the resolution to schedule a hearing and place this matter on the agenda for a Hearing before the Governing Body on March 7, 2006 at 9:30 a.m. or as soon thereafter be adopted. Motion carried 7 to 0.

RESOLUTION NO. 06-001

A Resolution fixing a time and place and providing for notice of a hearing before the governing body of the City of Wichita, Kansas, at which the owner, his agent, lienholders of record and occupants of property legally described as: Lots 1 and 3, on Tenth Street Addition to the City of Wichita, Kansas, Sedgwick County, Kansas known as 1155 North Spruce may appear and show cause why such structure should not be condemned and ordered repaired or demolished as a dangerous structure, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 20, 2005)

- a) Abatement of Dangerous and Unsafe Structures. (District I, II, III, IV & VI)

ORDINANCE NO. 46-868

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- b) General Obligation Temporary Notes.

ORDINANCE NO. 46-869

An ordinance authorizing and providing for the issuance of General Obligation Improvement Temporary Notes, Series 216, of the City of Wichita, Kansas, in the total principal amount of \$5,928,000 for the purpose of providing the necessary funds for the interim financing of costs in connection with certain capital improvements in the City; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- c) Tax Exemption Request, JR Custom Metal Products, Inc. (District IV)

ORDINANCE NO. 46-870

An Ordinance exempting property from Ad Valorem Taxation for Economic Development Purposes pursuant to Article II, Section 13, of the Kansas Constitution; providing the terms and conditions for Ad Valorem Tax Exemption; and describing the property of JR Custom Metals Products, Inc., so exempted, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- d) Economic Development Incentives Agreement for Integra Technologies LLC. (District II)

ORDINANCE NO. 46-871

An Ordinance of the City of Wichita, Kansas, authorizing; prescribing the form and authorizing the execution of a forgivable loan agreement and promissory note by and between Integra Technologies, LLC. and the City Of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

- e) PUD 2005-03-Plat of Waterwalk Phase I Addition, located north of Kellogg and west of Broadway. (District I)

ORDINANCE NO. 46-872

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans. (PUD 2005-03)

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UNFINISHED BUSINESS

DR2004-10

DR2004-10-PROPOSED AMENDMENTS TO THE WICHITA-SEDGWICK COUNTY SUBDIVISION REGULATION, UTILITY EASEMENTS. (DEFERRED DECEMBER 13, 2005)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-1138A

Staff Recommendation: Deny the amendments; Approve Option 1B.

MAPC Recommendation: Approve amendments (Option 1A). (8-1)

The negative vote indicated a Commissioner's agreement with the alternative approach recommended by the Water and Sewer Department. (Option 1B).

In the last few years, the Public Works and Water and Sewer Departments have requested for lot splits and vacations, that property owners dedicate additional land to create wider utility easements. The requests have mostly occurred on a piece-meal, lot-by-lot basis, resulting in the non-uniform acquisition of additional easements. The wider easement is needed to accommodate the greater number of services to be located in the easement (cable, telephone, sewer and gas) and to provide required safety for workers installing or repairing utilities. Planning Commissioners consistently objected to these piece-meal requests on the basis that additional easements are not effective, since an entire block's worth of easement is rarely obtained. The Planning Commission and Staff explored, with the Law Department, the potential of obtaining a wider easement by enacting a single ordinance that would retroactively widen all existing utility easements. That approach was not legally possible, so two options were developed to address the issue: Option 1B, recommended by Staff and Option 1A, recommended by the Planning Commission.

Option 1A revised Section 7-205(A) entitled "Required Improvements" to require additional easements for substandard utility easements when all property owners adjoining the easement would grant similar dedications. Additional easements would also be required if specifically required by MAPC. The Water and Sewer Department objected to this amendment and favors an alternative approach in which additional easement widths for substandard utility easements would be required for all lot splits and vacation cases in order to perform necessary maintenance of existing utility lines (Option 1B).

While not a perfect solution to the problem, Option 1B at least obtains additional easements when the opportunity arises. The request in Option 1A that the entire block will have to agree to the request for additional easement will virtually assure that no additional easement will be obtained, since it is unlikely that a property owner not involved with an application will consent to an additional dedication.

Planning staff has reviewed this amendment with the City and County Legal Departments prior to review by the Subdivision Committee. The Subdivision Committee reviewed the proposed amendments on September 29, 2005.

The MAPC held the public hearing on November 17, 2005 and voted (8-1) to recommend Option 1A.

This item was deferred to allow time for discussion between Staff and City Council Members.

These amendments to the Wichita-Sedgwick County Subdivision Regulations will affect properties both inside the city limits and in the unincorporated area of Sedgwick County. Both the City Council and the Sedgwick County Commission will need to approve the amendments in order for them to be in full effect. Legal Departments for both the City and the County have reviewed the amendments and approved the form for the respective adopting Ordinance and Resolution.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved to refer the item to the Metropolitan Area Planning Commission for further review and consideration of the alternative solutions with the utilities. Motion carried 7 to 0.

MANAG. ICE CNTR

MANAGEMENT OF ICE CENTER. (DISTRICT IV)

Doug Kupper

Director of Parks and Recreation reviewed the item.

Agenda Report No. 06-0029

The Park and Recreation Department has been operating and managing the facility since August 2005. The City Council authorized staff to seek out a new management company to operate the facility. An RFP was issued in October 2005 and the process has not yet been concluded.

In order for the Park and Recreation Department to continue with the daily management and general operation of the facility in 2006, City Council authorization is required to reallocate the Wichita Ice Center 2006 adopted budget pending the review and eventual decision on a management contract. This budget authorization will allow the Park Department to reallocate the budget accordingly so that salaries, contractals, and commodity line item budgets can be established and payments can be promptly paid.

During the 2006/2007 Budget adoption process the City Council adopted and approved for the Wichita Ice Center a \$956,190 total operating budget with \$710,000 for contractual services and \$246,190 for contingent expenditures. Since August of 2005, the Park and Recreation Department has been operating and managing the facility. Included for review are the preliminary financial operating report for August – December 2005 (the final year-end adjusting and closing entries have not been posted) and the proposed reallocation of the 2006 operating budget for the Wichita Ice Center.

Legal has reviewed the agenda item as to form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Jerry Winkleman

Mr. Winkleman stated that he is a neighbor of the Ice Rink and takes a lot of interest in it. Stated that there were four years when the ice rink was busy and then Canlan hired an individual to manage the facility, which he did a poor job. Stated that he tried to talk to him about different ideas for getting back the business and he would not do it. Stated that he is interested whether the City or a contractor will be taking this over.

Motion--

Gray moved that the reallocation of the Wichita Ice Center 2006 adopted budget be authorized and the continued management and daily operation of the facility by the Park and Recreation Department until such time a permanent management agreement has been approved by City Council be authorized.

--carried

Motion carried 7 to 0.

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NEW BUSINESS

ICE CENTER

MANAGEMENT SERVICES FOR WICHITA ICE CENTER. (DISTRICT IV)

Cathy Holdeman

Assistant City Manager reviewed the item.

Agenda Report No. 06-0037

Erected in 1996, the Wichita Ice Center, formerly Ice Sports Wichita, sought to fill the need for an ice rink in the Wichita area. Several individual citizens and groups petitioned the City for such a rink, stating the need was felt community wide. Since its inception, the facility has been a place for skating lessons, figure skating, hockey (youth and adult), leisure skating and many other ice related sports and leisure activities.

The ice facility includes a professional sized skating rink, a professional sized hockey rink, a restaurant, administrative offices, locker rooms, a snack counter, a pro shop, a common area with seating to put on skates, and a 1000 person spectator seating in the Olympic sized rink. Canlan Ice Sports managed the Wichita Ice Center up until August 2005. The City of Wichita severed its management agreement with this company and initiated a Request for Proposals for management services for the Ice Center. The Ice Center has not been profitable since 2003 and proposers are being asked to share strategies for returning this facility to profitability.

In September 2005, the City of Wichita initiated proposals for the management of Wichita Ice Center, formerly Ice Sports Wichita. The City received six proposals and the Staff Screening Selection Committee selected three proposers to be interviewed. They included: Advanced Arenas, Inc., Rink Management Services Corporation and the Park and Recreation Department. The Staff Screening and Selection Committee recommends that the City Council authorize City staff to negotiate a contract with Rink Management Services Corporation and to bring back that contract to the Council for consideration and approval.

Rink Management is the largest operator of ice skating facilities in North America as they currently manage 21 facilities. They have a strong history of community involvement and working with community groups and organizations to build support and participation of ice-skating. Rink Management is very interested in working with the community to grow this sport. They visited the City several times to learn more about the local interest in skating and to seek ideas on how to increase participation and to explore options for increased utilization of the ice facility. The company brings experience in employee development, financial reporting, sales and marketing, risk management, equipment maintenance and facility development.

As part of the negotiations, staff is proposing that Rink Management work with the Park and Recreation Department staff to provide them with the opportunity to learn more about ice facility management. Rink Management would be required to include Park staff in regular meetings relating to marketing, managing and operating the facility. Park would gain additional experience from this relationship and could be positioned to take over the management of this facility should the City decide that it is in its best interest to change management companies or operate this facility in house.

Rink Management Corporation has proposed a management fee of \$50,000 annually with an additional request of \$20,000 from net profits should performance goals (as defined in the agreement) be met. The management fee is for services provided by the company to manage the facility and does not include general operating costs, including personnel costs. The source of funding is the Ice Rink Management Fund, a special revenue fund dependent upon revenues to pay for expenses.

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The City will negotiate a contract with Rink Management Corporation, which will require City Council approval.

- Council Member Gray Council Member Gray inquired about the financial considerations. Stated that he is uncomfortable regarding the proposed management fee that they gave to us was a set fee and the net profits would be \$20,000. Stated that he is uncomfortable with giving them a set fee of profits because once they reach that mark there is little encouragement for them to perform above that and would be more comfortable with the profit sharing based off of a percentage.
- Cathy Holdeman Assistant City Manager stated that as those contract negotiations get underway and that point will be communicated to them.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Gray moved that Rink Management Corporation be selected as the preferred management company and that staff authorize to negotiate a contract with this firm and the contract returned to the City Council for its consideration. Motion carried 7 to 0.
- carried
- Mayor Mayans Mayor Mayans stated that if there were no objections, that we will pass over item 27, GOB and Note Sale, because the numbers are not available at this time.

(Item 27 Shown in Agenda Order)

GOB AND NOTE SALE GENERAL OBLIGATION BOND AND NOTE SALE.

- Kelly Carpenter Director of Finance reviewed the item.

Agenda Report No. 06-0030

The City is offering for sale one series of general obligation temporary notes totaling \$56,370,000 (Series 215), two series of general obligation bonds (Series 784 and 785) totaling \$26,105,000 for the purpose of providing permanent financing for capital improvement projects of the City.

The proceeds from the sale of the Series 215 Temporary Improvement and Renewal Notes will be used to provide interim financing for City-at-large and improvement district projects. The proceeds from the sale of the Series 784 Bonds will be used to permanently finance neighborhood improvements located in special improvement districts. The proceeds from the sale of the Series 785 Bonds will be used permanently finance certain City-at-large storm water utility projects.

Sealed bids will be accepted via facsimile, walk-in sealed bids or electronically through I-Deal, LLC/PARITY Electronic Bid Submission System until 10:30 a.m. CST in the IT/IS Conference Room, at which time the bids will be publicly opened. No bids will be accepted after the 10:30 a.m. deadline. The bids will be verified, tabulated and presented to the City Council at its earliest convenience following the tabulation of the bids. By law, the City must award the sale of the bonds and notes to the bidder whose proposed interest rates result in the lowest true interest rate.

The Series 215 Temporary Notes will mature August 10, 2006, and will be retired using cash, the proceeds of both permanent-financing bonds, and renewal notes issued at that time. The Series 784 Bonds will mature serially over fifteen years and will be paid from special assessments that are levied against benefited property. The Series 785 Bonds will mature serially over ten years and will be paid from the Storm Water Utility's monthly ERU fees. The Series 784 Bonds will be callable in 2013 and the Series 785 Bonds will be callable in 2011 with a 1% call premium, in accordance with the City's debt management policy.

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Bond Counsel will review and approve the bids and the Law Department will approve the authorizing Ordinances and Resolutions, which have been prepared by Bond Counsel.

Motion--

Mayans moved that the opening and reading of the bids be directed; the sale of the Bonds and Temporary Notes awarded and find and declare, upon the request of the Mayor, that a public emergency exists, requiring the final passage of the Bond and Note Ordinances on the date of their introduction, adopt the Bond and Note Ordinances and Resolutions and authorize the publication thereof.

--carried

Motion carried 7 to 0.

RESOLUTION NO. 06-627

A Resolution providing for the issuance of General Obligation Bonds, Series 784, of the City of Wichita, Kansas, in the total principal amount of \$19,300,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the Bonds; and making certain other covenant and agreement with respect to the Bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-628

A Resolution providing for the issuance of General Obligation Bonds, Series 784, of the City of Wichita, Kansas, in the total principal amount of \$6,805,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; prescribing the terms and details of the Bonds; and making certain other covenant and agreement with respect to the Bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

RESOLUTION NO. 06-629

A Resolution authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 215, of the City of Wichita, Kansas, in the total principal amount of \$56,370,000, for the purpose of providing the necessary funds to renew a portion of the principal amount of Temporary Notes previously issued for the Interim financing of costs in connection with previously commenced capital improvement in the City, and for the interim financing of costs in connection with newly commenced capital improvements in the City; ; prescribing the terms and details of the Bonds; and making certain other covenant and agreement with respect to the Bonds, presented. Mayans moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-873

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series 784, of the City of Wichita, Kansas, in the total principal amount of \$19,300,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the City; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

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ORDINANCE NO. 46-874

An Ordinance authorizing and providing for the issuance of General Obligation Bonds, Series A785, of the City of Wichita, Kansas, in the total principal amount of \$6,805,000, for the purpose of providing the necessary funds to pay costs in connection with the making of capital improvements in the city; prescribing the terms and details of the bonds; providing for the levy and collection of an annual tax for the purpose of providing for the payment of the principal of and the interest on the bonds as it becomes due and payable; and making certain other covenants and agreements with respect to the bonds. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

ORDINANCE NO. 46-875

An Ordinance authorizing and providing for the issuance of General Obligation Renewal and Improvement Temporary Notes, Series 215, of the City of Wichita, Kansas, in the total principal amount of \$56,370,000 for the purpose of providing the necessary funds to renew a portion of the principal amount of temporary notes previously issued for the interim financing of costs in connection with previously commenced capital improvements in the city, and for the interim financing of costs in connection with newly commenced capital improvements in the city; providing for the payment of the principal of and the interest on the notes; and making certain other covenants and agreements with respect thereto. Mayans moved that the Ordinance be placed on its passage and adopted on the date of its introduction, all in accordance with K.S.A. 12-3001. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

COLEMAN CO.

EXTENSION OF IRB TAX EXEMPTION, THE COLEMAN COMPANY. (DISTRICT I)

Allen Bell

Economic Development Administrator reviewed the item.

Agenda Report No. 06-0031

On December 12, 2000, City Council approved issuance of Industrial Revenue Bonds in the amount of \$15,500,000 million to The Coleman Company. In conjunction with the bond issue, City Council approved 100% property tax abatement for a 5-year term on the project, plus a second 5 years subject to Council review. Bond proceeds were used for the purpose of paying the cost of acquiring, constructing and installing the 2000 additions for its manufacturing facilities in Wichita and Maize. On December 31, 2005, the initial 5-year period for tax exemption expired. On June 14, 2005, City Council reviewed the second five-year exemption for Coleman's 1999 Industrial Revenue Bonds and approved a one-year extension, subject to further review of job creation.

The Coleman Company, Inc. is engaged in the manufacturing and distribution of outdoor recreational products. The Company's principal products include a comprehensive line of pressurized lighting, cooling and heating appliances for camping and outdoor recreational use (such as Coleman lanterns and stoves), fuel-related products, including disposable propane-filled cylinders, a broad range of insulated food and beverage containers, portable electric lights, and other products for recreational use and do-it-yourself markets.

As a condition of the bond issue and tax exemption, Coleman committed to: construct a new corporate headquarters expand existing manufacturing facilities, and purchase machinery and equipment, with a total investment of \$5,300,000; and create 200 new jobs within five years of the bond issue.

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A measure of Coleman's initial five-year project commitments and outcomes are as follows:

2000 Commitment	December 31, 2005 Status
· Construct new building addition	Completed new building addition
· Purchase Manufacturing Equipment:	Purchased equipment worth over \$4,695,000
· Create 200 new jobs in five years:	No jobs were created

Staff conducted a site-monitoring visit on July 24, 2004 and subsequent meetings were held in City Hall. Coleman has fallen short of its projection and has significantly downsized its workforce. Coleman has recently undergone an extensive corporate restructuring, following acquisition of Coleman's parent company by Jarden Corporation. The corporate headquarters of the Coleman Company was recently moved back to Wichita from Chicago, and the new company leadership plans to stabilize employment levels at the Wichita plant by consolidating operations from other locations. However, the company does not anticipate a significant increase in employment levels and continues to downsize its Wichita workforce.

Coleman is current in payments of administrative service fees.
New benefit-to-cost ratios are as follow:

City of Wichita	0.89 to one
Sedgwick County	0.98 to one
USD 259	1.00 to one
State of Kansas	(0.52) to one

Section 7.5 of the lease provides the City Council reserves the right to terminate the exemption at the end of the first five-year period.

Each year, the City must re-certify to the County Clerk that the exempted property is still eligible in order to continue the property tax exemption for that year. This allows the City Council to review non-complying companies each year and revisit the decision to extend the exemption.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Brewer Council Member Brewer stated that under the current policy individuals must create a certain number of jobs but felt that when we start looking at economic development and creating an environment for individuals to be able to live a certain quality of life, feels that in some cases with today's economics it is not going to allow you to create new jobs but will allow you to buy new equipment and make expansions and do various different things to be able to keep competitive in the business market. Stated that as a City our philosophy is to go out and recruit new businesses to come to Wichita to retain jobs. Stated that one of the things that we do not want to do is to loose a partner that has been in the City of Wichita for many years. Stated that this company was founded and started in the City of Wichita and that they are being very competitive with the overseas market. Stated that although our policy states that we should not grant this, that we owe an obligation to a company that started here and to help them stay in business and to keep them competitive with the overseas market. Stated that we may not be able to support and allow for the five-years but should try for one-year and continue to keep working with businesses one-year at a time and evaluate their performance. Stated that the Council's intention should be to work to help businesses, which is to recruit, reclaim and retain.

Motion-- Brewer moved that the tax exemptions for The Coleman Company be approved and the IRB finance property for the term of one-year and reevaluate their performance after the one-year time frame.
--carried Motion carried 6 to 1, (nay-Skelton).

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AMNESTY PROG.

AMNESTY PROGRAM.

Kay Gales

Municipal Court Administrator reviewed the item.

Agenda Report No. 06-0032

(Council Member Skelton momentarily absent)

Currently, Municipal Court has nearly 14,860 parking, traffic, Health, Fire and Office of Central Inspection ticket warrants and 28,080 bench warrants and/or probation violation warrants waiting to be served. In addition to the fines and costs owed that are associated with the underlying charge, individuals with warrants are subject to arrest and additional fees if the warrant is left outstanding. To encourage citizens to voluntarily resolve outstanding warrants, Municipal Court is proposing to host an Amnesty Week during the week of February 13-17, 2006. This Amnesty Program is a collaborative effort with the faith based community, Police Department, the Court and City staff. This program will be similar to a successful Amnesty Program that occurred in 2003. Representatives of the Wichita faith based community will be an integral part of this collaboration. Local churches in partnership with the National Restoration Movement are implementing a "28 Days of Peace" initiative during the month of February 2006. Clergy will preach sermons of peace, dignity, respect and social responsibility to their congregations and communities. Citizens will also be encouraged to resolve outstanding Municipal Court obligations. Pastors will assist City staff in marketing the program as well as greeting and directing participants during Amnesty Week.

During the Amnesty Week, the City of Wichita will waive the warrant fee. Defendants with outstanding ticket warrants, who voluntarily appear, will not be arrested. Defendants with outstanding bench and probation violation warrants will be given an opportunity to appear before a judge. A public awareness plan will be prepared by the Public Information Office to maximize the effectiveness of the program.

The Amnesty Program will be implemented as follows:

1. Names of individuals with outstanding warrants will be published in the Wichita Eagle Sunday edition. The following information will be included: Last Name, First Name, Date of Birth and Case/Citation Number. Inserts for the Sedgwick County area will total approximately 100,000 copies. Advertisements will be placed with community publications and radio advertisement will be purchased to promote the program prior to implementation.
2. Municipal Court will offer extended hours during the 'Amnesty Week:' Monday through Friday from 7:00 a.m. until 7:00 p.m. The Amnesty Program is planned for February 13 through February 17, 2006.

In conjunction with the "28 Days of Peace" initiative the Wichita Police Department will be hosting a gun drop off program. Citizens will be encouraged to drop guns off at participating local churches. WPD will rotate four locking containers among these churches for gun storage until an officer can pick them up. The gun drop off will run the entire month of February.

The insert will be included in the Sunday edition of the Wichita Eagle on February 5, 2006 and will include approximately 19,600 names. A detailed description of the Amnesty Program will be provided in the publication. Municipal Court warrants eligible for the Amnesty Program will include traffic, parking, Health, Fire and Office of Central Inspection warrants. A judge will be available to hear those cases where a bench warrant and/or a probation violation warrant was issued.

As defendants appear at City Hall for payment, a check on all warrants issued (including bench warrants for failure to appear in court) in the defendant's name will be completed and payment requested. The Court anticipates 3,000 participants in the program. Warrant fees (generally \$15 to \$25) will be waived for program participants. Costs associated with the Amnesty Program will be the printing of the tabloid insert, advertising the program and overtime expenditures.

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The Court Amnesty Program is projected to generate over \$60,000 net in collections.

The Law Department has participated in the development of the Amnesty Program and has prepared the Resolution.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Cybill Strum Ms. Strum stated that this is a good idea and that they should also do a gun swap at the schools.

Council Member Gray Council Member Gray explained that it is a federal law that you cannot have a firearm within 1,000 feet of a school, so it is functionally impossible to have a gun drop-off at a school. Stated that the guns that are at schools are there because the children take them there not because they want to get rid of them.

Pastor Edward Burrell Pastor Burrell stated that he is the Pastor of the Emmanuel New Beginning Church of God and Christ and thinks that the Amnesty Program is a wonderful idea that would help our community and help the people of the community to clear up their unpaid fines. Stated that one concern that he has is that if a person has made arrangements to pay their fines and then is stopped, what would be in place for them not to be arrested on the same charge.

Kay Gales Municipal Court Administrator explained that if they voluntarily come in to resolve their warrant, they would waive the warrant and the warrant fee. When they are put on the payment plan, if they make their monthly payments, then their case will be resolved. Stated that if they fail to make their payments, it will be sent to their collection agency and the warrant will not be reissued.

Council Member Martz Council Member Martz stated that as soon as a person comes in, their name will be taken out of the computer system.

Motion-- Brewer moved that a budget transfer of up to \$60,000 from the Municipal Court budget (or the General Fund reserves) to fund the Amnesty Program be approved and the Resolution adopted. Motion carried 7 to 0.
--carried

RESOLUTION NO. 06-022

A Resolution of the City Council of the City of Wichita, Kansas establishing an Amnesty Program for certain outstanding warrants pending in the City of Wichita Municipal Court and establishing a Firearm Drop Off Program, presented. Brewer moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

29th ST. NORTH

29TH STREET NORTH IMPROVEMENT, FROM TYLER TO RIDGE. (DISTRICT V)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 06-0033

On December 14, 2004, the City Council approved a project to improve 29th Street North, from Tyler to Ridge. An attempt to award a construction contract within the budget approved by the City Council was not successful. An amending Ordinance has been prepared to increase the project budget.

The project will reconstruct 29th Street North to provide four through lanes and a landscaped median. Left turn lanes will be provided at the major entrances into adjoining residential neighborhoods. A storm water sewer system will be constructed to eliminate the ditches along the roadway. The intersection of 29th at Ridge will be signalized. The available right-of-way will be landscaped.

The current budget is \$3,000,000 with \$987,000 paid by the City and \$2,013,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds. The proposed increased budget is \$3,700,000 with \$1,337,000 paid by the City and \$2,363,000 paid by Federal grants.

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The Law Department has approved the amending Ordinance as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Martz moved that the revised project budget be approved and the amending Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Ordinance No. 46-121 of the City of Wichita, Kansas declaring 29th St. North, between Tyler and Ridge (472-83903) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the plans laid over.

CENTRAL/OLIVER

CENTRAL AND OLIVER INTERSECTION IMPROVEMENT. (DISTRICTS I AND II)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0032a.

The 2005-2014 Capital Improvement Program (CIP) includes a project that has been approved by the City Council to improve Central between Oliver and Woodlawn. The project is scheduled for letting this year. The CIP also includes funding in years 2007 and 2008 to improve the intersection of Central and Oliver. Now that the Woodlawn and Edgemoor interchanges at Kellogg have been opened, it is an opportune time to advance the construction schedule for the Central and Oliver intersection improvement.

The project will reconstruct the intersection to provide left turn lanes at all four approaches. The traffic signal system will be upgraded. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned to begin in the fall of 2006 along with the Central, Oliver to Woodlawn, improvement.

The estimated intersection improvement cost is \$1,250,000, which is the amount budgeted in years 2007 and 2008 of the CIP. The funding source is General Obligation Bonds. A supplemental design agreement with MKEC Engineering Consultants (design engineers for the Central, Oliver to Woodlawn, project) will be returned to the City Council for approval.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Brewer moved that the project be approved; the Ordinance placed on first reading and the signing of State/Federal agreements as required be authorized. Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring the intersection of Central and Oliver (472-84362) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the plans laid over.

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PAWNEE IMPROV. PAWNEE IMPROVEMENT, BETWEEN 119TH STREET WEST AND MAIZE.
(DISTRICT IV)

Jim Armour City Engineer reviewed the item.

Agenda Report No. 06-0033a.

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Pawnee, 119th St. West and Maize. District IV Advisory Board sponsored an August 3, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

The project will reconstruct Pawnee to provide four through lanes and a median for left turn lanes. A new storm water sewer will be constructed. The available right-of-way will be landscaped. Construction is planned to begin in the fall of 2006.

The estimated project cost is \$6,660,000 with \$2,700,000 paid by the City and \$3,960,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Law Department has approved the authorizing Ordinance as to legal form.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Council Member Gray Council Member Gray stated that he has a question regarding the financial consideration. Stated that it states that the total project costs is \$6.6 million and it was just reported that it is \$4.8 million.

Jim Armour City Engineer explained that was an error and that they had requested additional federal funds and last week the Technical Advisory Committee elected to defer that if they were granted those, then federal funding can be used in lieu of some of the storm water utility funding for the storm water portion. Stated that right now, they are hoping to maintain it with what the original budget is. Stated that what he reported on reflects the existing budget in the CIP and thinks that it may take more and if so, they will apply for additional federal funds.

Motion-- Gray moved that the project be approved with the current budget of \$4.8 million; the ordinance be placed on first reading and authorize the signing of state and federal agreements as required.
--carried Motion carried 7 to 0.

ORDINANCE

An Ordinance declaring Pawnee between 119th Street West and Maize (472-84357) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the plans laid over.

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PAWNEE IMPROV. PAWNEE IMPROVEMENT BETWEEN MERIDIAN AND SENECA. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0034

The 2005-2014 Capital Improvement Program adopted by the City Council includes a project to improve Pawnee, between Meridian and Seneca. District IV Advisory Board sponsored an August 3, 2005, neighborhood hearing on the project. The Board voted 7-0 to recommend approval of the project.

The project will reconstruct Pawnee to provide four through lanes and a center two-way left turn lane. The east 1,000 feet of the existing pavement will be milled and overlaid with new asphalt pavement for tie-in to Seneca. The available right-of-way will be landscaped. Construction is planned in the Capital Improvement Program for 2008, but may begin in 2007 if utilities can be relocated.

The estimated project cost is \$4,052,000 with \$1,200,000 paid by the City and \$2,852,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City share is General Obligation Bonds.

The Law Department has approved the authorizing Ordinance as to legal form.

Jim Armour

City Engineer stated that there would be an additional concrete area, which increases the amount of the runoff, which is usually offset by larger inlets with bigger openings that can be installed, that improve the efficiency of the runoff into the storm water sewer system. Stated that beyond that it is about a wash, where the existing conditions that exist today will exist once we are done as far as flooding goes. Stated that usually occurs in an intense rainstorm where the street floods from curb to curb and is usually in the area of around Glenn Street. Stated that there is a future storm water sewer project that may go in from Meridian, east to the river, that will install a trunk line north of here and it may be possible at that time to pick up and intercept some of the drainage that goes south to Pawnee and then alleviate some of the runoff that does enter that system there and eventually improve the drainage. Stated at this time it would cost approximately \$1 million dollars to run a line from the Arkansas River up to Glenn Street to try to improve the drainage capacity.

Mayor Mayans

Mayor Mayans asked if it would be more costly to wait and do this as a separate project.

Jim Armour

City Engineer explained that it would if that is the direction that we drained it to. Stated that if it does have the possibility of being able to drain it to the north to a new system that would be installed, up around Dora Street.

Mayor Mayans

Mayor Mayans stated that this area has had for several years these types of issues and hates to see citizens and the neighbors in that area, see the City improve that intersection and have them assume that the drainage issues have been taken care of at the same time.

Jim Armour

Stated that once the pavement is widen and improved, people will ask why the drainage was not fixed. Stated that it will probably take an additional \$1 million dollars to improve that drainage on this project and those are funds used out of the storm water utility fund that we will need to balance with projects throughout the City. Stated that we could take another look at this issue if desired.

Mayor Mayans

Mayor Mayans stated that it would be a lot more efficient to do it all at once.

Council Member Gray

Council Member Gray stated that he agrees with the Mayor regarding his concerns and would like to meet with Jim Armour and Chris Carrier to discuss this further.

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Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--carried Gray moved that the item be deferred until further discussion. Motion carried 7 to 0.

BLUE SKY ADD. PETITION TO CONSTRUCT A WATER DISTRIBUTION SYSTEM FOR BLUE SKY ADDITION AND PART OF ISEMINGER ADDITION, NORTH OF DOUGLAS, WEST OF WEST STREET. (DISTRICT IV)

Jim Armour City Engineer reviewed the item.

(Council Member Skelton momentarily absent)

Agenda Report No. 06-0035

The signature on the Petition represents 1 of 4 (25%) resident owners and 81.4% of the improvement district area. District IV Advisory Board sponsored a December 7, 2005, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will construct a water distribution system for a partially developed residential area.

The estimated project cost is \$30,000 with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$3,333 per lot.

State Statutes proved that a Petition is valid if signed by a majority of resident property owners or owners of the majority of property in the improvement district.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion-- Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0, (Skelton absent).

--carried

RESOLUTION NO. 06-023

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System No. 448-90160 (north of Douglas, west of West Street), in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 6 to 0, (Skelton absent). Yeas: Brewer, Fearey, Gray, Martz, Schlapp, and Mayans.

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NEVADA CIRCLE

PETITION TO PAVE NEVADA CIRCLE, NORTH OF DOUGLAS. (DISTRICT IV)

Jim Armour

City Engineer reviewed the item.

Agenda Report No. 06-0036

The signature on the Petition represents 1 of 4 (25%) resident owners and 81.4% of the improvement district area. District IV Advisory Board sponsored a December 7, 2005, neighborhood hearing on the project. The Board voted 8-0 to recommend approval of the project.

The project will provide paved access to a partially developed residential area.

The estimated project cost is \$86,000 with the to total assessed to the improvement district. The method of assessment is the fractional basis. The estimated assessment to individual properties is \$9,555 per lot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Gray moved that the Petition be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 7 to 0.

RESOLUTION NO. 06-024

Resolution of findings of advisability and Resolution authorizing constructing pavement on Nevada Circle adjoining Blue Sky Addition (north of Douglas, west of West Street) 472-84363, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Gray moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gray, Martz, Schlapp, Skelton, and Mayans.

SBA MICROLOAN

AMENDMENT TO SBA MICROLOAN AGREEMENT.

Mary K. Vaughn

Director of Housing and Community Services reviewed the item.

Agenda Report No. 06-0038

On December 16, 2003, the City Council approved the SBA Microloan Agreement made between the City of Wichita and South Central Kansas Economic Development District (SCKEDD). The City provided funding in the amount \$50,000 that was utilized to pay for the SBA required Loan Loss Reserve for the SCKEDD Microloan Program.

To date, the City has provided \$36,825 for the SCKEDD Microloan Program Loan Loss Reserve for loans approved by the City's Microloan Committee. These funds have allowed SCKEDD to loan \$306,500 to 15 small businesses in the City of Wichita. These loans were made to a pest control business, an attorney, two restaurants, two hair salons, two gift shops, fitness center, realtor, bakery, tour service, floor covering business, counselor and a psychologist. The funding has directly impacted 55 jobs. All of these loans are current and in good standing.

The Small Business Administration has approved \$750,000 in additional loan funds for the SCKEDD Microloan Program. In order to access these funds, SCKEDD is required to maintain a Loan Loss Reserve account with funds equal to 15% of the amount drawn from the SBA. The amount needed to completely draw the SBA funds is \$112,500. Historically, 50% of the microloans have been in the City of Wichita.

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SCKEDD is requesting that the City of Wichita provide \$56,025, which would support loans up to \$375,000 for Wichita businesses. Funds would be transferred from the Small Business Capital Fund project, which has a balance of \$250,000.

The Law Department has approved the contract amendment and ordinance as to form.

- Mayor Mayans Mayor Mayans inquired if the law firm and the realtor have any involvement with the City and if the law firm had sued the City.
- Gary Rebenstorf Director of Law stated that the City has several cases where this law firm is involved with representing parties that are suing the City.
- Mary K. Vaughn Director of Housing Services explained that the City only guarantees these loans and does not make these loans. Stated that the City's investment is as a loan guarantee in case the person receiving the loan defaults on it.
- Gary Rebenstorf Director of Law explained that the money is not coming from the City and that they are eligible for the funding and that the funding is not coming from the City, so therefore they are not getting money from the City to sue the City.
- Mayor Mayans Mayor Mayans asked if there is something legal or ethical about this.
- Gary Rebenstorf Director of Law stated that it might be a moral issue but does not think it is a legal or ethical issue from the standpoint of what the program offers and what services can be funded through the program.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Gary Rebenstorf Director of Law stated that as far as the City is concerned with making these guarantees, we could put into those guarantees a condition that if there is going to be opposition to the City or some type of conflict with the City, then that would be a condition that the City could impose for our guarantee of those funds.
- George Kolb City Manager stated that they could draft some type of provision that they can insert into the loan program for the Mayor's review and approval.
- Mayor Mayans Mayor Mayans stated that it would be appropriate for the Manager and a couple of staff members to sit down and come up with a protocol that enhances what we already have in place and bring back to the Council at a workshop for discussion.
- Motion--
--carried Mayans moved that the transfer of funds be approved; the ordinance to approve the contract amendment be placed on first reading and the necessary signatures authorized. Motion carried 7 to 0.

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ORDINANCE

An Ordinance of the City of Wichita, Kansas (the "City"), authorizing the execution of a contract amendment to the SBA Microloan Agreement between the City of Wichita and South Central Kansas Economic Development District, Inc., introduced and under the plans laid over.

Mayor Mayans

Mayor Mayans requested to take up item #27, GENERAL OBLIGATION BOND AND NOTE SALE. It is shown in the order of the agenda.

PLANNING AGENDA

Motion--carried

Mayans moved to approve Planning Consent items 37 through 48 as presented. Motion carried 7 to 0.

DR2005-15

DR2005-15-REQUEST FOR A STREET NAME CHANGE FROM 31ST STREET NORTH TO TOBEN, LOCATED ON THE WEST SIDE OF WEBB ROAD AND SOUTH OF 37TH STREET NORTH. (DISTRICT II)

Agenda Report No. 06-0039

Staff Recommendation: Approve the street name change.

MAPC Recommendation: Approve the plat. (12-0)

On November 10, 2005, the Address Committee held a meeting and recommended that the street name change be approved. The Metropolitan Area Planning Commission approved this request on December 8, 2005.

The intent of this street name change request is for easier identification purposes.

Motion--
--carried

Mayans moved that the street name change as recommended by the Planning Commission be approved and the Ordinance placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing a street name from 31st Street North to Toben, introduced and under the plans laid over.

DED2005-27

DED2005-27-PARTIAL DEDICATION OF ACCESS CONTROL FOR PROPERTY LOCATED ON THE WEST SIDE OF MAIZE ROAD AND SOUTH OF MAPLE. (DISTRICT V)

Agenda Report No. 06-0040

MAPC Recommendation: Accept the Dedication. (12-0)

This dedication is associated with a lot split case (SUB 2005-99). The Dedication is for complete access control, except for one opening, along Maize Road.

The Dedication has been reviewed and approved by the Planning Commission.

The Dedication will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedication be accepted. Motion carried 7 to 0.

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DED2005-28 & 29

DED2005-28 & DED2005-29-DEDICATION OF A UTILITY EASEMENT AND DED2005-29 DEDICATION OF A DRAINAGE EASEMENT FOR PROPERTY LOCATED NORTH OF KELLOGG AND WEST OF RIDGE ROAD. (DISTRICT V)

Agenda Report No. 06-0041

MAPC Recommendation: Accept the Dedications. (12-0)

These dedications are associated with a lot split case (SUB 2005-91). The Dedications are for construction and maintenance of public utilities.

The Dedications have been reviewed and approved by the Planning Commission.

The Dedications will be recorded with the Register of Deeds.

Motion--carried

Mayans moved that the Dedications be accepted. Motion carried 7 to 0.

DR2005-00023

DR2005-00023-ZONE CHANGE FROM LIMITED INDUSTRIAL TO CENTRAL BUSINESS DISTRICT. GENERALLY LOCATED BETWEEN ST. FRANCIS AVENUE, WILLIAM STREET, BNSF RAILROAD RIGHT-OF-WAY, ONE-HALF BLOCK EAST OF COMMERCE STREET AND KELLOGG. (DISTRICT I)

Agenda Report No. 06-0042

MAPC Recommendations: Approve, vote (11-0-1).

MAPD Staff Recommendations: Approve the "CBD" zoning for the proposed area.

DAB Recommendations: Not applicable.

On September 13, 2005, Wichita City Council voted (7-0) to initiate a rezoning from "LI" Limited Industrial to "CBD" Central Business District for an area generally described as being located between St. Francis Ave., William St., BNSF railroad right-of-way one-half block east of Commerce St. and Kellogg.

The City Council initiated the rezoning action pursuant to the Unified Zoning Code provision that the "Governing Body may initiate a zone change request with or without an application from the property owners" (Unified Zoning Code Art. V, Sec. V-A.1).

The area proposed for rezoning to "CBD" is a three-block stretch flanking both sides of Commerce Street south of William Street to Kellogg. The BNSF railroad forms the eastern edge and St. Francis Street forms the western edge. The area is spontaneously undergoing a transition from industrial/manufacturing uses to a broader mix of uses with residential, commercial, and institutional uses being added. In the past five years, several retail shops have opened such as Dock 410 and Fiber Studio. Fiber Studio is unique because the owners of this site requested rezoning of the property to "CBD" in 2000 in order to locate the studio and gallery for artists on the main floor and a residence on the second floor. Just recently several other owners on the same block of Commerce also were approved for "CBD" zoning in order to combine studios with loft apartments. A larger loft conversion is underway on a "CBD" zoned tract across St. Francis Street (201 S. St. Francis, known as the Lofts at St. Francis) from the proposed rezoning area.

The area north of Waterman, except for two properties, was selected as the site for the Sedgwick County arena. The area site constitutes roughly 40 percent of this proposed rezoning initiative. These properties fall within the area shown for the arena building and the adjoining VIP parking lot. The most likely impact of this site selection will be intensified demand on the remainder of the area for more retail and restaurant types of commercial use, mixed with residential use. These uses would be added to or replace the existing mix of industrial, contractor sales and service (heating, electrical, etc) and auto repair uses.

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Constraints with Existing Zoning: The prohibition of residential use is the most significant disadvantage with the current "LI" zoning. "LI" allows uses incompatible with the urban core, by right or by Conditional Use, including: asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station, and wrecking/salvage yard.

Proposed Zoning: "CBD" zoning would allow residential use, bed and breakfast inn and group homes. It will prohibit future establishment of kennels, tattoo parlors, day reporting centers, asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station and wrecking/salvage yard. Other "CBD" advantages include the following: (1) removes the off-site parking requirements to allow flexibility in developing shared parking facilities to serve multiple parking needs, (2) eliminates building setbacks to allow zero-lot setbacks in character with traditional downtown development and that is compatible with the trends in loft/apartment uses, and (3) eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the downtown area.

At the MAPC meeting held December 8, 2005, no citizens spoke on the request. MAPC voted (11-0-1) to approve the zone change.

The ordinance has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the findings of the MAPC be adopted and the zone change be approved and the ordinance establishing the zone change be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over. (DR2005-00023)

DR2005-00024

DR2005-00024-ZONE CHANGE FROM LIMITED INDUSTRIAL AND GENERAL COMMERCIAL TO CENTRAL BUSINESS DISTRICT FOR AN AREA GENERALLY BOUNDED BY A LINE BEGINNING AT THE INTERSECTION OF WASHINGTON AVENUE AND SECOND STREET NORTH, THENCE EAST ALONG SECOND STREET NORTH TO I-135, THENCE SOUTH ALONG THE WEST RIGHT OF WAY TO THE SOUTHERN BOUNDARY OF THE KANSAS FOOD BANK WAREHOUSE ADDITION, THENCE WEST ON SAID BOUNDARY TO MINNEAPOLIS STREET, THENCE NORTH TO AN EAST/WEST ALLEY, THENCE WEST ALONG SAID ALLEY TO KANSAS AVENUE, THENCE SOUTH TO AN EAST/WEST ALLEY, THENCE WEST TO HYDRAULIC, THENCE SOUTH ALONG HYDRAULIC AVENUE TO WATERMAN STREET, THENCE WEST ALONG WATERMAN TO THE BNSF RAILROAD RIGHT-OF-WAY, THENCE NORTH TO DOUGLAS AVENUE, THENCE EAST TO WASHINGTON AVENUE, AND THENCE NORTH TO THE POINT OF BEGINNING. (DISTRICT I)

Agenda Report No. 06-0043

MAPC Recommendations: Approve, vote (9-0-1).

MAPD Staff Recommendations: Approve the "CBD" zoning for the proposed area.

DAB Recommendations: Not applicable.

On September 13, 2005, the Wichita City Council voted (7-0) to initiate a rezoning from "LI" Limited Industrial and "GC" General Commercial to "CBD" Central Business District for an area generally bounded by a line beginning at the intersection of Washington Avenue and 2nd Street North, thence east along 2nd Street North to I-135, thence south along the west right-of-way of I-135 to Douglas Ave, thence continuing south along said right of way to the southern boundary of the Kansas Food Bank Warehouse Addition, thence west on said boundary to Minneapolis Street, thence north to an east/west alley, thence west along said alley to Kansas Avenue, thence south to an east/west alley, thence west to Hydraulic, thence south along Hydraulic Avenue to Waterman Street, thence west along Waterman to

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the BNSF railroad right-of-way, thence north to Douglas Avenue, thence east to Washington Avenue, and thence north to the point of beginning.

The City Council initiated the rezoning action pursuant to the Unified Zoning Code provision that the “Governing Body may initiate a zone change request with or without an application from the property owners” (Unified Zoning Code Art. V, Sec. V-A.1).

The area proposed for rezoning to “CBD” is roughly fifty city blocks in size and includes a rich diversity of residential, institutional, commercial and industrial uses. Industrial uses include manufacturing firms such as the Wichita Eagle, Big Dog Motorcycles, McCormick Armstrong plus many smaller firms. Many construction sales and service uses dot the area, including at least two lumberyards and a number of contractor office and warehouse sites. Another large cluster of uses include auto sales lots, auto repair, and auto parts. The variety of commercial and retail uses spans a large new furniture store (Abode) recently constructed on a new zero-lot setback site along Douglas to small independent merchants along Douglas storefronts that help maintain the area as a walkable urban downtown shopping area. Several office and institutional uses have invested in the area, including the new Red Cross headquarters redeveloped on an old car dealership facility, Wichita Children’s Theatre and Dance Center, United Methodist Urban Ministries; Kansas Foodbank, Inc. has plans to construct a new facility southwest of Douglas and I-135. Perhaps the most surprising use is residential. Around 20 percent of the existing land still is occupied by residential use, although the current “LI” zoning makes this type of use nonconforming.

The proposed rezoning area borders the Old Town Overlay district, which has emerged as a destination for commercial and residential reuse. Some property owners on the fringe of the Old Town district have sought to expand the redevelopment into the area proposed for “CBD” zoning.

Constraints with Existing Zoning: The prohibition of residential use is the most significant disadvantage with the current “LI” zoning. “LI” allows incompatible uses (by right or by Conditional Use) with the urban core such as asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station, and wrecking/salvage yard. Approximately four properties are zoned “GC” General Commercial, and rezoning to “CBD” would represent an increase in intensity of permitted uses for these properties.

Proposed Zoning: “CBD” zoning would allow residential use, bed and breakfast inn and group homes. It will prohibit future establishment of kennels, tattoo parlors, day reporting centers, asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station and wrecking/salvage yard. Other “CBD” advantages include the following: (1) removes the off-site parking requirements to allow flexibility in developing shared parking facilities to serve multiple parking needs, (2) eliminates building setbacks to allow zero-lot setbacks in character with traditional downtown development and that is compatible with the trends in loft/apartment uses, and (3) eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the urban area.

The proposed rezoning area perhaps has languished in terms of desirability over the past 30 years as the suburban expansion of industrial, auto and commercial uses took its toll on the commercial viability of the properties. In the recent past, the trend perhaps is changing. The Old Town overlay district located to the northwest of this area has had a renewed development activity, including addition of restaurants, sports bars, the Old Town Theater and museums. Recently, it has experienced a burst of residential redevelopment. (The property is zoned “LI” Limited Industrial but the area is subject to an overlay, “OT-O” that specifically permits residential use.) At least five existing warehouses or commercial buildings have been converted to residential lofts or mixed residential and commercial uses, and more are under construction or are in the planning stages. One hotel has been redeveloped from an old warehouse and a second is in the planning stages. Also, the area to the west of this proposed rezoning area is the East Douglas Historic District. The East Douglas area includes a park, the Eaton Place, the largest single residential conversion in the urban core, and adjoins the proposed Sedgwick County arena.

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These trends in adjoining districts have spilled over to the area under consideration for “CBD” zoning and we see renewed interest in redevelopment. In addition to the development uses discussed previously, several owners have sought to expand the “OT-O” district in order to redevelop their properties. In one case, it was to permit a building to be converted to residential lofts; in another it was to participate in the Old Town Parking District since on-site parking was not available for a site south of Douglas. A third site on Douglas was rezoned to “GC” General Commercial to enable mixed commercial and residential use.

At the MAPC meeting held December 8, 2005, no citizens spoke on the request. MAPC voted (9-0-1) to approve the zone change.

The item has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the findings of the MAPC be adopted and the zone change be approved and the ordinance establishing the zone change be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over. (DR2005-00024)

DR2005-00033

DR2005-00033-ZONE CHANGE FROM LIMITED INDUSTRIAL TO CENTRAL BUSINESS DISTRICT FOR AN AREA BEGINNING AT THE INTERSECTION OF WATERMAN STREET AND WASHINGTON AVENUE, THENCE SOUTH ON WASHINGTON AVENUE TO KELLOGG, THENCE WEST ON KELLOGG APPROXIMATELY 750 FEET TO THE BOUNDARY OF THE BNSF RAILROAD RIGHT-OF-WAY/TERMINAL, THENCE NORTH TO WATERMAN STREET, AND THENCE EAST TO WASHINGTON AVENUE.
(DISTRICT I)

Agenda Report No. 06-0044

MAPC Recommendations: Approve subject to staff recommendations, vote (9-0-1).

MAPD Staff Recommendations: Approve the “CBD” zoning for the proposed area.

DAB Recommendations: Not applicable.

On October 20, 2005, MAPC voted (7-0) to initiate a rezoning from “LI” Limited Industrial and “GC” General Commercial to “CBD” Central Business District for an area generally described as between the BNSF railroad yard, Kellogg, Washington Avenue and Waterman Street. MAPC initiated the rezoning action pursuant to the Unified Zoning Code provision that the “Planning Commission or the Governing Body may initiate a zone change request with or without an application from the property owners” (Unified Zoning Code Art. V, Sec. V-A.1).

The area proposed for rezoning to “CBD” is zoned “LI” Limited Industrial. Warehousing, manufacturing, construction sales and service businesses, outdoor storage, some retail, a fuel outlet, a parking lot for an office north of Waterman, and the City of Wichita Transit Operations Center currently occupy the area.

The proposed rezoning area is located to the south and east of two other “CBD” cases being considered by MAPC (DR2005-00023 and DR2005-00024). If this area is approved, and the other two cases also are approved, “CBD” zoning would blanket all properties west of Washington between Kellogg and Douglas.

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Constraints with Existing Zoning: The prohibition of residential use is the most significant disadvantage with the current “LI” zoning. “LI” allows incompatible uses (by right or by Conditional Use) with the urban core such as asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station, and wrecking/salvage yard.

Proposed Zoning: “CBD” zoning would allow residential use, bed and breakfast inn and group homes. It will prohibit future establishment of kennels, tattoo parlors, day reporting centers, asphalt plant (general), gas and fuel storage, freight terminal, landfill, transfer station and wrecking/salvage yard. Other “CBD” advantages include the following: (1) removes the off-site parking requirements to allow flexibility in developing shared parking facilities to serve multiple parking needs, (2) eliminates building setbacks to allow zero-lot setbacks in character with traditional downtown development and that is compatible with the trends in loft/apartment uses, and (3) eliminates height restrictions to allow higher intensity use that reinforces the viability and liveliness of the urban area.

The Wichita Transit Operations Center, the fuel outlet, and the parking lot for the office building north of Waterman have been developed within the past 5 to 10 years. The rest of this area consists of older structures. Some are fully utilized by existing businesses, but some appear to have vacancies. New and redevelopment trends in the vicinity include the Old Town area to the north, the residential loft and arts district activity to the west of the railroad tracks, and the proposed Sedgwick County area site to the northwest.

The item has been reviewed and approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the findings of the MAPC be adopted and the zone change approved and the ordinance establishing the zone change be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over. (DR2005-00033)

ZON2005-00050

ZON2005-00050-ZONE CHANGE FROM TWO-FAMILY RESIDENTIAL, SINGLE-FAMILY RESIDENTIAL AND GENERAL OFFICE TO LIMITED COMMERCIAL, WITH A PROTECTIVE OVERLAY. GENERALLY LOCATED SOUTH OF 31ST STREET SOUTH, WEST OF SENECA AVENUE, ON THE NORTH SIDE OF 32ND STREET NORTH AND EAST OF THE EXPOSITION DRIVE. (DISTRICT IV)

Agenda Report No. 06-0045

MAPC Recommendations: Approve, subject to provisions of Protective Overlay District #165, and include a 48 square foot building sign on the south elevation (10-0).

MAPD Staff Recommendations: Approve, subject to Protective Overlay District #165.

DAB Recommendations: Not applicable.

The applicants' request “LC” Limited Commercial zoning on (west to east) Lots 8, 7, & 6, Block A, Loma-Linda Gardens Addition and a portion of Lot 1, Dillon 10th Addition. The Loma-Linda Gardens' lots are zoned, west to east, “TF-3” Duplex Residential and “SF-5” Single-family Residential. The western most of these lots, located on the northeast corner of Exposition Drive and 32nd Street South, is developed as a one-story duplex, built in 1970. The other two lots are developed as one-story single-family residences, built in 1963 and 1964. The Dillon 10th Addition lot is developed as part of the parking lot for the Dillon's grocery store (built 1984), which dominates (with the exception of one small free standing retail building) the southwest corner of the Seneca Avenue – 31st Street South intersection. The applicants propose the rezoning to allow for expansion of commercial uses on this corner. The rezoning would remove the last residential zoning in the Seneca – 32nd – Exposition – 31st

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square block, and make all property within the block "LC", except for an interior portion of the Dillon 10th Addition, which is zoned "GC" General Commercial.

South of the site, across 32nd Street South, zoned "SF-5", is a developed (mid to late 1950s) single-family residential subdivision. The eastern most lot on the south side of 32nd, with frontage on Seneca Avenue, is zoned "LC" and has a freestanding auto repair garage. Properties west of the site, across Exposition Drive, are zoned "SF-5" and "LC", with development including a church, single-family residences and a tavern. The properties north and east of the site are zoned "LC" and are developed as the Dillon's grocery store, its parking lot and a small free standing retail building.

At its December 8, 2005 meeting the MAPC voted (10-0) to recommend approval of the requested "LC" zoning subject to the Protective Overlay, as agreed upon by Staff and the applicant. They also approved it with the addition of a 48-square foot building sign on the south elevation. The MAPC's approved Protective Overlay with its provisions, including the previously mentioned additional building signage in #8:

- (1) Provide a restrictive covenant binding and tying Lots 6, 7, & 8, Block A, Loma-Linda Gardens Addition, to the Dillon 10th Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to the Ordinance being published.
- (2) Dedication by separate instrument of complete access control along the site's 32nd Street South and Exposition Drive frontage. Dedicate cross lot access onto the site from the Dillon 10th Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to publishing the Ordinance.
- (3) Dedicate 2-feet of easement to add to the platted 8-foot easement located on the north lot lines of Lots 8, 7, & 6, and a portion of the east lot line of Lot 6, all in Block A, Loma-Linda Gardens Addition. To be provided to Planning Staff for recording with the Register of Deeds, prior to publishing the Ordinance.
- (4) Screening will be per the Unified Zoning Code along the south and west sides of the site where adjacent to residential zoning.
- (5) Landscaping will be provided along the west and south sides of the site, where adjacent to residential zoning, per the Landscape Ordinance.
- (6) The platted 20-foot setback on the west side of Lot 1, Dillon 10th Addition and the platted 25-foot along the south side of Lot 1, Dillon 10th Addition will apply to the site's west and south sides, where the site is adjacent to "TF-3" or more restrictive zoning. Dedication to be provided to Planning Staff for recording with the Register of Deeds, prior to publishing the Ordinance.
- (7) Lighting will be per the Unified Zoning Code, including a maximum height of 14-feet for any pole lighting. Pole lights will be located behind the setbacks, as noted along the site's south and west sides.
- (8) Signage will be a monument type and per the "LC" zoning district with no portable signs. No building signs or signs mounted on roofs shall be on the west side of any buildings on the site. A building sign of 48-square feet will be allowed on the south side of the building.
- (9) All utilities will be installed underground.
- (10) All trash receptacles will have solid screening and gating, per the Unified Zoning Code, (no chain link fencing with metal slats) around them.

No one spoke against the requested zoning at the MAPC meeting and Staff has received no written protest against the requested zoning.

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The ordinance has been reviewed and approved as to form by the Law Department.

Motion--

Mayans moved that the findings of the MAPC be adopted and the zone change subject to the additional provisions of Protective Overlay District #165 be approved and the Planning Department be instructed to forward the ordinance for first reading when the required dedications and covenant have been provided to Staff. Motion carried 7 to 0.

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, introduced and under the plans laid over. (ZON 2005-00050)

HUD EDI GRANT

HUD EDI GRANT AGREEMENT FOR FACILITY CONSTRUCTION ASSOCIATED WITH THE MERCADO AND THE DEVELOPMENT OF THE 21ST STREET COMMUNITY DEVELOPMENT CORPORATION. (DISTRICT VI)

Agenda Report No. 06-0046

The City was officially notified on April 29, 2005, that an Economic Development Initiative (EDI) grant for Wichita, in the amount of \$327,260, was included in the Consolidated Appropriations Act of 2005 (PL 108-447). The project description with this notification states that the award is made "to the City of Wichita for facilities construction and for the development of the 21st Street Community Development Corporation." On August 2, 2005, the City Council approved the HUD Economic Development Initiative (EDI) grant application and authorized the necessary signatures. The application was submitted to the U.S. Department of Housing and Urban Development (HUD) on August 16, 2005. The City of Wichita has since received an approval letter, grant agreement, and other documents required to activate the FY 2005 special project grant.

Subject to City Council approval and provisions of the Grant Agreement, HUD will make grant funds in the amount of \$327,360 available to the City of Wichita. Approximately 20% of the funds will be used for planning, management development and administrative expenses to assist with developing the 21st Street Community Development Corporation and 80% of the funds will be used for rehabilitation expenses associated with the Mercado project. City staff has reviewed the grant agreement and associated documentation, and upon grant agreement approval, is prepared to complete all necessary documentation consistent with the instructions provided for submission to HUD in order to activate the grant.

A total of \$65,472 (20%) will be utilized to contract with Wichita State University, Self-Help Network to facilitate the development of the 21st Street Community Development Corporation as approved by the City Council on March 8, 2005. The balance of the grant funds totaling \$261,888 (80%) will be used to construct or rehabilitate a Mercado to provide a venue for the 21st Street Community Development Corporation. The Federally required HUD environmental review is in the process of being completed by the Metropolitan Area Planning Department; therefore, no construction funds may be expended until HUD has approved the environmental review. In addition, no EDI grant funds can be used for program operations or operating costs of the CDC.

The Law Department has reviewed and approved the grant agreement as to form.

Motion--

Mayans moved that the HUD EDI grant agreement be approved and the necessary signatures authorized. Motion carried 7 to 0.

--carried

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AO6-01R

**A06-01R-REQUEST BY GAYLAN W. METT, JR. OF SNAR, L.L.C., TO ANNEX LAND
GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF 29TH STREET
NORTH AND WEST STREET. (DISTRICT V)**

Agenda Report No. 06-0047

The City has received a request to annex 149.4 acres of land generally located southwest of the intersection of 29th Street North and West Street. The annexation area abuts the City of Wichita to the north and east. The property owner anticipates that the proposed property will be developed with approximately 132 "SF-5" Single-Family Residential units.

Land Use and Zoning: The proposed annexation consists of approximately 149.4 acres of property currently zoned "SF-20" Single-Family Residential, which upon annexation will convert to "SF-5" Single-Family Residential. Property to the west and south of the subject property is zoned "SF-20" Single-Family Residential, while property to the north and east is zoned "SF-5" Single-Family Residential.

Public Services: The nearest water line to the proposed property is a 20" line on the southwest corner of 29th Street North and Hoover Street or a 36" line that runs parallel to the curve along Zoo Boulevard into 21st Street. The nearest sewer line to the proposed property is a 24" line close to the end of 23rd Street, east of Hoover Street. The Wichita Water and Sewer Department has been working with engineers with R&B Kansas regarding a potential extension of water and sewer that would be incorporated into the plat.

Street System: The subject property borders West Street to the east, which is a paved, two-lane arterial road. The City of Wichita Capital Improvement Program (CIP) 2005-2014 calls for improvements north of the subject property, along 29th Street from West Street to Ridge Road. In addition, the 2006 Transportation Improvement Program calls for a bridge to be improved, to the southeast of the subject property at 25th Street. The Sedgwick County Capital Improvement Program 2005-2009 does not call for improvements near the proposed annexation site.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five (5) to six (6) minute approximate response time from City Station No. 7, located at 2346 North Coolidge. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 N. Elder.

Parks: The Sedgwick County Zoo is located approximately 2 miles to the southwest of the proposed annexation site. The Big Arkansas River Park, a 2-acre park, is located only 1/2 mile to the south of the subject property and contains a bike path and an unpaved parking lot. Columbine Park (10.33 acres) and Sycamore Park (13-acres) are both about 1 1/2 miles to the southeast of the subject property. Amenities at Columbine Park include a softball diamond, two tennis courts and a basketball court. Amenities at Sycamore Park include two tennis courts, a softball diamond, a basketball court, a children's play area and a parking area. Meridian Park, an 8-acre park, is approximately 2 miles to the southeast of the subject property and is currently undeveloped.

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

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The current approximate appraised value of the proposed annexation lands, according to County records, is \$180,640 with a total assessed value of \$45,261. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$1,702 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. At this time, the property owner is anticipating that approximately 132 single-family housing units will be developed within the next three years. The total appraised value of this residential development after completion is estimated at \$51,480,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$185,930 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the plans laid over.
(A06-01)

A06-02R

A06-02R-REQUEST BY ROB RAMSEYER OF RITCHIE DEVELOPMENT CORPORATION, TO ANNEX LAND GENERALLY LOCATED TO THE SOUTH OF 29TH STREET NORTH, BETWEEN GREENWICH ROAD AND 127TH STREET EAST. (DISTRICT II)

Agenda Report No. 06-0048

The City has received a request to annex 238.2 acres of land generally located to the south of 29th Street North, between Greenwich Road and 127th Street East. The annexation area abuts the City of Wichita to the south and west. The property owner anticipates that the proposed property will be developed with approximately 1,360,750 square feet of commercial property and approximately 33 units of industrial property.

Land Use and Zoning: The proposed annexation consists of approximately 238.2 acres of property currently zoned "SF-20" Single-Family Residential and "RR" Rural Residential, which upon annexation will convert to "SF-5" Single-Family Residential. A zoning change request would be required in order to develop the property as anticipated. Property to the north and east of the subject property is zoned "RR" Rural Residential, while property to the south is zoned "SF-5" Single-Family Residential. Property to the west of the subject property is zoned "LI" Limited Industrial.

Public Services: The nearest water line is a 16" line in Greenwich along the west side of the property and a 16" water line in 127th Street from 21st Street to the southeast corner of the subject property. The nearest sewer line is a 12" line in Greenwich along the west side of the property and a 15" line that runs through the Fairmont Addition to the south line of the subject property.

Street System: The subject property borders 29th Street North, Greenwich Road and 127th Street. 29th Street North, north of the subject property, and 127th Street, east of the subject property, are both dirt roads. Greenwich Road, west of the subject property, is a paved, two-lane arterial. The City of Wichita Capital Improvement Program (CIP) 2005-2014 calls for improvements along Greenwich Road from Central to 29th Street North and along 127th Street East from 13th Street to 29th Street. In addition, the 2006 Transportation Improvement Program has also scheduled funding to assist with the road improvements along Greenwich Road from 29th Street North to K-96. The Sedgwick County Capital Improvement Program 2005-2009 does not call for improvements near the proposed annexation site.

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Public Safety: Fire services to this site can be provided by the City of Wichita within a four (4) to five (5) minute approximate response time from City Station No. 18, located at 2808 N. Webb. Upon annexation, police protection will be provided to the area by the Patrol East Bureau of the Wichita Police Department, headquartered at 350 S. Edgemoor.

Parks: The Northeast Sports Complex is located approximately 1/4 mile to the west of the proposed annexation site and is currently being developed to accommodate youth athletics including softball, baseball and soccer. According to the 1996 Parks and Open Space Master Plan, an existing pathway has been developed to the south of the subject property, and a proposed future park site has been identified directly to the west of the subject property.

School District: The annexation property is part of the Unified School District 375 (Circle School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2030 Wichita Urban Growth Area as shown in the Plan.

The current approximate appraised value of the proposed annexation lands, according to County records, is \$41,480 with a total assessed value of \$10,517. Using the current City levy (\$31.828/\$1000 x assessed valuation), this roughly yields \$378 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property, and the current mill levy. At this time, the property owner is anticipating that approximately 1,360,750 square feet will be developed as commercial property, and approximately 33 industrial units will be developed within the next ten years. The total appraised value of the commercial development after completion is estimated at \$17,337,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$136,121 in City annual tax revenues. The total appraised value of the industrial development after completion is estimated at \$52,100,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$409,063 in City annual tax revenues. In sum, the total appraised value of both the commercial and industrial property after completion is estimated at \$69,437,000. Assuming the current City levy remains about the same, this would roughly yield a total of \$545,185 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation request be approved and the Ordinance placed on first reading.
Motion carried 7 to 0.

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces and tracts of land within the limits and boundaries of the City of Wichita, Kansas, introduced and under the plans laid over.
(A06-02)

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VAC2004-00024

VAC2004-00024-REQUEST TO VACATE A PLATTED UTILITY EASEMENT, GENERALLY LOCATED SOUTHWEST OF 21ST STREET NORTH AND WEBB ROAD. (DISTRICT II)

Agenda Report No. 06-0049

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant proposes vacation of the platted 20-foot utility easement located between Lots 4 & 5, Block 1, the Wilson Estates Medical Park 2nd Addition. A proposed boundary shift will reconfigure Lots 4 & 5. The easement will move with the new property/lot line. There are no utilities, water or sewer in the easement. A condition of approval was the dedication of an easement to replace the vacated easement: the applicant recorded the easement with the Register of Deeds, Film/Page 28589615. The site is in CUP DP 260. The Wilson Estates Medical Park 2nd Addition was recorded January 8, 2004.

The MAPC voted (11-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

VAC2005-00041

VAC2005-00041-REQUEST TO VACATE THE PLATTOR'S TEXT TO ALLOW ADDITIONAL USES IN A PLATTED RESERVE, VACATE A PORTION OF THE RESERVE AND VACATE A PORTION OF A PLATTED UTILITY EASEMENT, GENERALLY LOCATED MIDWAY BETWEEN CENTRAL AVENUE AND 13TH STREET NORTH, WEST OF WEBB ROAD, MORE SPECIFICALLY SOUTHEAST OF GATEWOOD AND AUTUMN CHASE STREETS. (DISTRICT II)

Agenda Report No. 06-0050

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant is requesting consideration for the vacation of a portion of Reserve F that abuts the rear lot line of Lot 4, Autumn Chase Addition and the restriction of uses in the plat's text for platted Reserve F, Autumn Chase Addition, to allow only "SF-5" uses and an easement in that vacated portion of the platted reserve. The applicant is also requesting that the platted 10-foot utility easement located along the rear lot line of Lot 4, Autumn Chase Addition, be vacated. The uses that Reserve F has been set aside for include drainage purposes, landscaping, sidewalks, gazebos, pools and related recreational facilities, tennis courts, lights, benches, exercise trails, lakes and a floodway. There are already some utilities in the reserve, which, per the plat's text are not allowed. The applicant requests the vacations to allow an addition to the single-family residence on the site. The rear yard setback is per the UZC for the "SF-5" zoning district, any encroachments into the rear yard setback, as established by the Vacation Order will seek remedy by either an administrative adjustment or a variance. The Autumn Chase Addition was recorded with the Register of Deeds April 15, 1987.

The MAPC voted (12-0) to approve the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

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A certified copy of the Vacation Order, a covenant, a 10-foot utility easement and a hold harmless agreement will be recorded with the Register of Deeds

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 7 to 0.

AIRPORT AGENDA

Motion--
--carried

Mayans moved that the Airport Consent items 49 through 51 be approved as presented.
Motion carried 7 to 0.

AIR MIDWEST, INC

SUPPLEMENTAL AGREEMENT NO. 1-AIR MIDWEST, INC., USE OF FACILITY.

Agenda Report No. 06-0051

Air Midwest, Inc. is interested in continuing to lease a hangar/office facility they constructed in 1975 on Wichita Mid-Continent Airport. Effective May 1, 2003, Air Midwest began paying facility rent in addition to land rent through April 30, 2005.

Air Midwest is desirous of continuing its relationship with the WAA by leasing this facility, which houses its airline administration, dispatch, flight control and training. The term of the agreement is for a two-year period commencing May 1, 2005 through April 30, 2007.

The facility has been appraised by the Martens Companies. The fair market rental value is \$75,550 per year. All maintenance associated with the facility will be the responsibility of Air Midwest, with the exception of structural and roof repairs.

This supplemental agreement has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the Supplemental Agreement No. 1 be approved and the necessary signatures authorized. Motion carried 7 to 0.

AIRPARTS CO.

AIRPARTS COMPANY-S.A. NO. 10

Agenda Report No. 06-0052

Airparts is desirous of extending its current agreement for one additional year for the use of an office/warehouse facility located at 1991 Airport Road on Wichita Mid-Continent Airport. Airparts has occupied the space since January 1, 1996.

Airparts occupies 2,504 square feet of the subject building, which has a total area of approximately 12,135 square feet. Rockwell Collins occupies the remainder of the facility. An appraisal has been conducted by the Martens Companies to determine the fair market rental value of this facility.

Total annual rent will be \$10,793.

The Supplemental Agreement has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Supplemental Agreement be approved and the necessary signatures authorized.
Motion carried 7 to 0.

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FAA MASTER SITE FAA MASTER SITE LEASE-COLONEL JAMES JABARA AIRPORT, LEASE NUMBER DTFACE-06-00021.

Agenda Report No. 06-0053

The WAA has previously entered into leases with the FAA for use of land on Mid-Continent and Jabara Airports. These leases, referred to as Master Site Leases, provide for use of various areas on both airports for the installation, operation and maintenance of the navigational aides necessary for the operation of an airport. The equipment is provided and maintained by the FAA.

This Master Site Lease supersedes the existing Master Site Lease agreement, dated August 19, 1985, between the FAA and the Wichita Airport Authority. The agreement is for a 20-year term; however, may be cancelled by the FAA with a 60-day written notice.

There are no monetary considerations.

The Master Site Lease has been approved as to form by the Department of Law.

Motion--
--carried

Mayans moved that the Master Site Lease renewal for Colonel James Jabara Airport be approved and the necessary signatures authorized. Motion carried 7 to 0.

CITY COUNCIL

BOARD APPTS. BOARD APPOINTMENTS.

Mayor Mayans Mayor Mayans requested to appoint Lucio Arteaga to the Historical Preservation Board and Joyce Maurer to replace Janet Pape, to the Wichita Access Advisory Board.

Motion--carried Mayans moved that the appointments be made. Motion carried 7 to 0.

TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR CITY COUNCIL TO ATTEND CITY HALL DAY AT THE CAPITAL IN TOPEKA, JANUARY 25-26, 2006.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR MAYOR TO ATTEND THE U.S. CONFERENCE OF MAYORS 74TH ANNUAL WINTER MEETING IN WASHINGTON, DC, JANUARY 24-27, 2006.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

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**TRAVEL EXPEND. APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBERS TO ATTEND THE
NATIONAL LEAGUE OF CITIES 2006 CONGRESSIONAL CITY CONFERENCE IN
WASHINGTON, DC, MARCH 11-15, 2006.**

Motion--carried Mayans moved that the expenditures be approved. Motion carried 7 to 0.

RECESS

Motion-- Mayans moved that the City Council recess into Executive Session at 11:30 a.m. to consider:
Consultation with legal counsel on matters privileged in the attorney-client relationship relating to:
Pending Litigation, Legal Advice and Contract Negotiations and that the Council return from Executive
Session no earlier than 12:30 p.m. and reconvene in the City Council Chambers on the first floor of City
Hall. Motion carried 7 to 0.

--carried

RECONVENE The City Council reconvened in the City Council Chambers at 12:30 p.m.

Motion--carried Mayans moved to extend the Executive Session until 12:45 p.m. Motion carried 4 to 0, (Brewer, Fearey
and Martz not present).

RECONVENE The City Council reconvened in the City Council Chambers at 12:48 p.m. Mayor Mayans announced
that no action was taken.

Motion--carried Mayans moved at 12:48 p.m. to close the Executive Session. Motion carried 5 to 0, (Brewer and Gray
absent)

Motion--carried Mayans moved at 12:49 p.m. to close the regular meeting. Motion carried 5 to 0, (Brewer and Gray
absent).

Adjournment The City Council meeting adjourned at 12:49 p.m.

Respectfully submitted,

Karen Sublett
City Clerk